dist KB

UNITED STATES GOVERNMENT

Memorandum

U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, D.C. 20207

TO : Commission

DATE: June 8, 1977 6'8

FROM : Kathie Bass kb
Office of the Secretary

THRU: Richard E. Rapps RER
Secretary

SUBJECT: Federal Register Notice of Denial of Petiton on Window Bars (CP 75-20): Resubmission of BALLOT VOTE

On April 27, 1977, the Office of the General Counsel submitted a Federal Register notice for your approval/disapproval. Because of the disapproval of two of the Commissioners, Commissioner Kushner suggested a possible language change on page 4 of the FR notice. Since the Office of the Secretary has been unable to determine whether or not this change has been approved or whether the original FR should be sent, we now ask that you vote again, either reaffirming your original vote or accepting the possible change.

Please vote below on this matter and return your ballot vote sheet to the Office of the Secretary by close of business, Wednesday, June 15, 1977. For your convenience, we are transmitting a copy of the FR and the change.

APPROVE FR NOTICE AS ORIGINALLY DRAFTED	_____	_____
DO NOT APPROVE FR NOTICE	_____	_____
APPROVE FR NOTICE WITH COMMISSIONER KUSHNER'S SUGGESTED CHANGES	_____	_____
ABSTAIN	_____	_____

Comments/Additional Instructions:

☆U.S. GOVERNMENT PRINTING OFFICE: 1974 733-533/3604 1-3

LANGUAGE CHANGE SUGGESTED BY COMMISSIONER KUSHNER TO BE PLACED AT THE END OF PAGE 4

...standard. The Commission notes that it is in the process of establishing a comprehensive policy concerning voluntary standards and that the dimensions of involvement in this matter will be guided by the policy that is adopted.

Standard. The Commission notes that it is in the process of establishing a comprehensive policy concerning voluntary standards and that the dimensions of its involvement in this matter will be guided by the policy that is adopted.

Commissioner Kushner's revised suggested changes agreed upon June 17, by a majority of the Commissioners.

The Commission notes that it is in the process of establishing a comprehensive policy conerning voluntary standards and that the dimensions of its involvement in such a voluntary standardization activity would be guided by the policy that is adopted.

8 JUN 1977

UNITED STATES GOVERNMENT

Memorandum

U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, D.C. 20207

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APPROVE FR NOTICE AS ORIGINALLY DRAFTED _____ _____

DO NOT APPROVE FR NOTICE _____ _____

APPROVE FR NOTICE WITH COMMISSIONER KUSHNER'S SUGGESTED CHANGES Barbara H. Thrall 6-17-77

ABSTAIN _____ _____

Comments/Additional Instructions:

*U.S. GOVERNMENT PRINTING OFFICE: 1974 733-533/3604 1-3

(June 15)

UNITED STATES GOVERNMENT

Memorandum

U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, D.C. 20207

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DO NOT APPROVE FR NOTICE _____ _____

* APPROVE FR NOTICE WITH COMMISSIONER KUSHNER'S SUGGESTED CHANGES _____ 6/14/77

ABSTAIN _____ _____

Comments/Additional Instructions:

* Note that OS's typed version of my wording has omitted one word.

JUN 8 1977

U.S. GOVERNMENT PRINTING OFFICE: 1974 733-533/3604 1-3

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6/15/II

UNITED STATES GOVERNMENT

Memorandum

U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, D.C. 20207

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DATE: June 8, 1977

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APPROVE FR NOTICE AS ORIGINALLY DRAFTED _____ _____

DO NOT APPROVE FR NOTICE Richard Gaff 6/15/77

APPROVE FR NOTICE WITH COMMISSIONER KUSHNER'S SUGGESTED CHANGES _____ _____

ABSTAIN _____ _____

Comments/Additional Instructions:

*U.S. GOVERNMENT PRINTING OFFICE: 1974 733-533/3604 1-3

JUN 8 1977

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APPROVE FR NOTICE AS ORIGINALLY DRAFTED		
DO NOT APPROVE FR NOTICE *	R. David Pittle	6/15/77
APPROVE FR NOTICE WITH COMMISSIONER KUSHNER'S SUGGESTED CHANGES		
ABSTAIN		

Comments/Additional Instructions:

* as per vote of 5/5/77 and opinion of 5/11/77

U.S. GOVERNMENT PRINTING OFFICE: 1974 733-533/3694 1-3

UNITED STATES GOVERNMENT

Memorandum

U.S. CONSUMER PRODUCT SAFETY COMMISSION
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DO NOT APPROVE FR NOTICE _____ _____

✓ APPROVE FR NOTICE WITH COMMISSIONER KUSHNER'S REVISED SUGGESTED CHANGES _____ 6/17

ABSTAIN _____ _____

Comments/Additional Instructions:

*U.S. GOVERNMENT PRINTING OFFICE: 1974 735-533/3604 1-3

LANGUAGE CHANGE SUGGESTED BY COMMISSIONER KUSHNER TO BE PLACED AT THE END OF PAGE 4

...standard. The Commission notes that it is in the process of establishing a comprehensive policy concerning voluntary standards and that the dimensions of involvement in this matter will be guided by the policy that is adopted.

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MEMORANDUM

CONSUMER PRODUCT SAFETY COMMISSION

MAY 5

DATE: APR 27 1977

TO : Commission
THRU : Sadye E. Dunn, Secretary
FROM: Stephen Lemberg, OGC
THRU : Margaret A. Freeston, Asst. General Counsel
SUBJECT: Federal Register Notice of Denial of Petition on Window Bars (CP 75-20): BALLOT VOTE

In accordance with the instructions of the Commission at the April 14 Commission Meeting, we are forwarding for Commission action, a revised notice of denial of the window bar petition, including a commitment to encourage the development by industry of a voluntary standard.

Please indicate below your vote on this matter and return your ballot vote sheet to the Office of the Secretary. by close of business, Thursday, May 5, 1977.

APPROVE FR NOTICE AS DRAFTED _____ (signature) _____ (date)

APPROVE FR NOTICE WITH CHANGES _____ (signature) 5/3/77 (date)

DO NOT APPROVE FR NOTICE _____ (signature) _____ (date)

ABSTAIN _____ (signature) _____ (date)

See comment on p 2 and suggested change on p 4.

APR 28 1977
41

He suggests that a maximum distance of perhaps 2-3/8 inches would be appropriate (as established for slat spacing in the Commission's crib regulations, 16 CFR 1508.4, 1509.4).

In assessing the question of whether a product presents an unreasonable risk of injury and whether a consumer product safety standard is necessary to address a risk of injury, the Commission weighs the degree, nature, and frequency of injury or injury potential associated with the consumer product against the potential effect of a standard on the cost, utility, and availability of the product. The Commission also considers the relative priority of the risk of injury associated with the product and the Commission's resources available for rulemaking with respect to that risk of injury (see the Procedures for Petitioning for Rulemaking Under Section 10 of the CPSA, 16 CFR 1110.11(b). The Commission policy on establishing priorities for Commission action, 16 CFR 1009.8, sets forth the criteria upon which Commission priorities are based.

Does this refer only to falls from windows with window guards? If we have no instances of falls from any windows, our data are sadly deficient.

In regard to actual injuries associated with window guards, a search of data from the Commission's National Electronic Injury Surveillance System, Death Certificate File and Injury Bulletin, did not reveal incidences of injuries from window falls. There are no in-depth investigations on file for such injuries for fiscal years 1974, 1975, and 1976.

The Department of Health of the City of New York investigates and collects data on each occurence of a fall from a window in the City. An official of this Department reports, however, that there have been no known instances of falls in

require an added expense in the die used in manufacturing the units. In addition, if a standard results in a unit with more bars, the increase in materials used would also result in increased costs.

After careful consideration of the petition, information furnished by the petitioner, and data and information collected by the Commission staff, the Commission concludes that the petition should be denied because of the lack of information available sufficient to establish that window guards presently available for sale to consumers present an unreasonable risk of injury and that a mandatory consumer product safety rule is necessary to protect the public. However, because of the obvious potential for injury created by an excessive distance between the bars of window guards, and the relatively simple solution of designing window guards with a maximum distance between bars small enough to prevent young children from passing through, the Commission believes that an adequate standard could be developed and complied with voluntarily by industry. The Commission also believes that such a standard could be adopted by local jurisdictions choosing to mandate the installation of window guards. Accordingly, the Commission has directed its staff to work with industry and any relevant industry trade associations toward the development of such a standard.

MEMORANDUM

CONSUMER PRODUCT SAFETY COMMISSION

DATE: APR 27 1977

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APPROVE FR NOTICE AS DRAFTED _____ (signature) 5/5/77 (date)

APPROVE FR NOTICE WITH CHANGES _____ (signature) _____ (date)

DO NOT APPROVE FR NOTICE _____ (signature) _____ (date)

ABSTAIN _____ (signature) _____ (date)

MEMORANDUM

CONSUMER PRODUCT SAFETY COMMISSION

DATE: APR 27 1977

TO : Commission
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APPROVE FR NOTICE AS DRAFTED _____ (signature) _____ (date)

✓ APPROVE FR NOTICE WITH CHANGES _____ (signature) 5/4/77 (date)

DO NOT APPROVE FR NOTICE _____ (signature) _____ (date)

ABSTAIN _____ (signature) _____ (date)

require an added expense in the die used in manufacturing the units. In addition, if a standard results in a unit with more bars, the increase in materials used would also result in increased costs.

After careful consideration of the petition, information furnished by the petitioner, and data and information collected by the Commission staff, the Commission concludes that the petition should be denied because of the lack of information available sufficient to establish that window guards present an unreasonable risk of injury and that a mandatory consumer product safety rule is necessary to protect the public. However, because of the obvious potential for injury created by an excessive distance between the bars of window guards, and the relatively simple solution of designing window guards with a maximum distance between bars small enough to prevent young children from passing through, the Commission believes that an adequate standard could be developed and complied with voluntarily by industry. The Commission also believes that such a standard could be adopted by local jurisdictions choosing to mandate the installation of window guards. Accordingly, the Commission has directed its staff to work with industry and any relevant industry trade associations toward the development of such a standard.

MEMORANDUM

28 APR 1977

CONSUMER PRODUCT SAFETY COMMISSION

B

DATE: APR 27 1977

TO : Commission
THRU : Sadye E. Dunn, Secretary
FROM: Stephen Lemberg, OGC
THRU : Margaret A. Freeston, Asst. General Counsel
SUBJECT: Federal Register Notice of Denial of Petition on Window Bars (CP 75-20): BALLOT VOTE

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Please indicate below your vote on this matter and return your ballot vote sheet to the Office of the Secretary. by close of business, Thursday, May 5, 1977.

APPROVE FR NOTICE AS DRAFTED _____ (signature) _____ (date)

APPROVE FR NOTICE WITH CHANGES _____ (signature) _____ (date)

DO NOT APPROVE FR NOTICE Barbara H. Franklin (signature) 5-9-77 (date)

ABSTAIN _____ (signature) _____ (date)

I vote to deny this petition. However, I think the decision regarding our involvement in voluntary standards activity should be deferred until after we consider Commissioner Pittle's objections and have had an opportunity to focus on situations like this as we decide upon our voluntary standards policy.

MEMORANDUM

APR 28 1977

CONSUMER PRODUCT SAFETY COMMISSION

DATE: APR 27 1977

TO : Commission
THRU : Sadye E. Dunn, Secretary
FROM: Stephen Lemberg, OGC
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APPROVE FR NOTICE WITH CHANGES _____ (signature) _____ (date)

DO NOT APPROVE FR NOTICE _____ (signature) _____ (date)

ABSTAIN _____ (signature) _____ (date)

Deny Petition* R. David Pittle 5/5/77

* Opinion to follow

CONSUMER PRODUCT SAFETY COMMISSION

[CP 75-20]

WINDOW GUARDS

Notice of Denial of Petition

This document announces the denial of a petition submitted to the Consumer Product Safety Commission requesting the Commission to develop a consumer product safety rule with respect to the maximum distance between the horizontal bars of window guards designed to prevent young children from falling out of windows.

Section 10 of the Consumer Product Safety Act (15 U.S.C. 2059) provides that any interested person may petition the Consumer Product Safety Commission to commence a proceeding for the issuance of a consumer product safety rule. Section 10 also provides that if the Commission denies such a petition, it shall publish in the FEDERAL REGISTER its reasons for denial.

On April 22, 1975, the Commission received a petition from Stephen J. Lerman, M.D., of New York City, requesting development of a standard for window guards used to prevent young children from falling out of windows. These guards are not the same as the heavy metal bars that cover the entire window for protection from intruders. Dr. Lerman states that the design of such window guards is inherently dangerous because the excessive distance between the horizontal bars (Dr. Lerman referred to one brand having a distance of 5-5/8 inches between the bars) could permit a young child to slip through and fall.

He suggests that a maximum distance of perhaps 2-3/8 inches would be appropriate (as established for slat spacing in the Commission's crib regulations, 16 CFR 1508.4, 1509.4).

In assessing the question of whether a product presents an unreasonable risk of injury and whether a consumer product safety standard is necessary to address a risk of injury, the Commission weighs the degree, nature, and frequency of injury or injury potential associated with the consumer product against the potential effect of a standard on the cost, utility, and availability of the product. The Commission also considers the relative priority of the risk of injury associated with the product and the Commission's resources available for rulemaking with respect to that risk of injury (see the Procedures for Petitioning for Rulemaking Under Section 10 of the CPSA, 16 CFR 1110.11(b). The Commission policy on establishing priorities for Commission action, 16 CFR 1009.8, sets forth the criteria upon which Commission priorities are based.

In regard to actual injuries associated with window guards, a search of data from the Commission's National Electronic Injury Surveillance System, Death Certificate File and Injury Bulletin, did not reveal incidences of injuries from window falls. There are no in-depth investigations on file for such injuries for fiscal years 1974, 1975, and 1976.

The Department of Health of the City of New York investigates and collects data on each occurence of a fall from a window in the City. An official of this Department reports, however, that there have been no known instances of falls in

apartments where window guards have been installed. The Commission staff estimates that because of a mandatory requirement in New York City for the installation of window guards by landlords in apartments with children under 10 years of age, and a City program to provide free window bars to families with pre-school-age children, there are at least fifty to sixty thousand window guards installed in New York City. Thus, despite the use of many window guards, the Commission is unaware of any specific instance of injury associated with them. However, the lack of injury data does not conclusively show that the product has no injury potential. It is obvious that a window guard with a distance between the bars great enough to permit a young child to slip through does have the potential for being associated with an injury by creating a false sense of security in parents who might be more apt to leave children unattended near a window equipped with a guard than near one not so equipped.

The Commission has not reached a conclusion on what the proper distance between window bars should be to prevent children from falling through. However, the 2-3/8 inches required for crib slats was designed to protect infants and would probably not be necessary or appropriate to protect children from falling through windows having a window guard. For this reason it is difficult to accurately estimate the potential effect of a standard for window guards on the cost, utility, and availability of the product. However, if a standard results in changes in current spacings, such a standard would probably

require an added expense in the die used in manufacturing the units. In addition, if a standard results in a unit with more bars, the increase in materials used would also result in increased costs.

After careful consideration of the petition, information furnished by the petitioner, and data and information collected by the Commission staff, the Commission concludes that the petition should be denied because of the lack of information available sufficient to establish that window guards present an unreasonable risk of injury and that a mandatory consumer product safety rule is necessary to protect the public. However, because of the obvious potential for injury created by an excessive distance between the bars of window guards, and the relatively simple solution of designing window guards with a maximum distance between bars small enough to prevent young children from passing through, the Commission believes that an adequate standard could be developed and complied with voluntarily by industry. The Commission also believes that such a standard could be adopted by local jurisdictions choosing to mandate the installation of window guards. ~~Accordingly, the Commission has directed its staff to work with industry and any relevant industry trade associations toward the development of such a standard.~~ INSERT NUMBER REVISED SUGGESTED CHANGES

This notice of the Commission's denial of the above-described petition and the reasons therefor, has been issued pursuant to section 10(d) of the Consumer Product Safety Act, 15 U.S.C. 2059(d).

Dated: _____

_____
SADYE E. DUNN, Secretary
Consumer Product Safety Commission

MEMORANDUM

CONSUMER PRODUCT SAFETY COMMISSION

BALLOT

DATE: APR 27 1977

TO : Commission
THRU : Sadye E. Dunn, Secretary
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APPROVE FR NOTICE
WITH CHANGES _____ (signature) _____ (date)

DO NOT APPROVE
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ABSTAIN _____ (signature) _____ (date)

CONSUMER PRODUCT SAFETY COMMISSION

[CP 75-20]

WINDOW GUARDS

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In regard to actual injuries associated with window guards, a search of data from the Commission's National Electronic Injury Surveillance System, Death Certificate File and Injury Bulletin, did not reveal incidences of injuries from window falls. There are no in-depth investigations on file for such injuries for fiscal years 1974, 1975, and 1976.

The Department of Health of the City of New York investigates and collects data on each occurence of a fall from a window in the City. An official of this Department reports, however, that there have been no known instances of falls in

apartments where window guards have been installed. The Commission staff estimates that because of a mandatory requirement in New York City for the installation of window guards by landlords in apartments with children under 10 years of age, and a City program to provide free window bars to families with pre-school-age children, there are at least fifty to sixty thousand window guards installed in New York City. Thus, despite the use of many window guards, the Commission is unaware of any specific instance of injury associated with them. However, the lack of injury data does not conclusively show that the product has no injury potential. It is obvious that a window guard with a distance between the bars great enough to permit a young child to slip through does have the potential for being associated with an injury by creating a false sense of security in parents who might be more apt to leave children unattended near a window equipped with a guard than near one not so equipped.

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This notice of the Commission's denial of the above-described petition and the reasons therefor, has been issued pursuant to section 10(d) of the Consumer Product Safety Act, 15 U.S.C. 2059(d).

Dated:_____

_____
SADYE E. DUNN, Secretary
Consumer Product Safety Commission

MEMORANDUM

CONSUMER PRODUCT SAFETY COMMISSION

MAY 5

DATE: APR 27 1977

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THRU : Sadye E. Dunn, Secretary
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THRU : Margaret A. Freeston, Asst. General Counsel
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APPROVE FR NOTICE WITH CHANGES _____ (signature) 5/3/77 (date)

DO NOT APPROVE FR NOTICE _____ (signature) _____ (date)

ABSTAIN _____ (signature) _____ (date)

See comment on p 2 and suggested change on p 4.

RECEIVED
APR 27 11 01 AM '77
CONSUMER PRODUCT SAFETY COMMISSION

APR 28 1977
41

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Does this refer only to falls from windows with window guards? ? If we have NO instances of falls from any windows, our data are sadly deficient.

In regard to actual injuries associated with window guards, a search of data from the Commission's National Electronic Injury Surveillance System, Death Certificate File and Injury Bulletin, did not reveal incidences of injuries from window falls. There are no in-depth investigations on file for such injuries for fiscal years 1974, 1975, and 1976.

The Department of Health of the City of New York investigates and collects data on each occurence of a fall from a window in the City. An official of this Department reports, however, that there have been no known instances of falls in

require an added expense in the die used in manufacturing the units. In addition, if a standard results in a unit with more bars, the increase in materials used would also result in increased costs.

After careful consideration of the petition, information furnished by the petitioner, and data and information collected by the Commission staff, the Commission concludes that the petition should be denied because of the lack of information available sufficient to establish that window guards presently available for sale to consumers present an unreasonable risk of injury and that a mandatory consumer product safety rule is necessary to protect the public. However, because of the obvious potential for injury created by an excessive distance between the bars of window guards, and the relatively simple solution of designing window guards with a maximum distance between bars small enough to prevent young children from passing through, the Commission believes that an adequate standard could be developed and complied with voluntarily by industry. The Commission also believes that such a standard could be adopted by local jurisdictions choosing to mandate the installation of window guards. Accordingly, the Commission has directed its staff to work with industry and any relevant industry trade associations toward the development of such a standard.

MEMORANDUM

CONSUMER PRODUCT SAFETY COMMISSION

DATE: APR 27 1977

TO : Commission
THRU : Sadye E. Dunn, Secretary
FROM: Stephen Lemberg, OGC
THRU : Margaret A. Freeston, Asst. General Counsel
SUBJECT: Federal Register Notice of Denial of Petition on Window Bars (CP 75-20): BALLOT VOTE

In accordance with the instructions of the Commission at the April 14 Commission Meeting, we are forwarding for Commission action, a revised notice of denial of the window bar petition, including a commitment to encourage the development by industry of a voluntary standard.

Please indicate below your vote on this matter and return your ballot vote sheet to the Office of the Secretary. by close of business, Thursday, May 5, 1977.

APPROVE FR NOTICE AS DRAFTED _____ (signature) 5/5/77 (date)

LK APPROVE FR NOTICE WITH CHANGES _____ (signature) _____ (date)

DO NOT APPROVE FR NOTICE _____ (signature) _____ (date)

ABSTAIN _____ (signature) _____ (date)

MEMORANDUM

CONSUMER PRODUCT SAFETY COMMISSION

DATE: APR 27 1977

TO : Commission
THRU : Sadye E. Dunn, Secretary
FROM: Stephen Lemberg, OGC
THRU : Margaret A. Freeston, Asst. General Counsel
SUBJECT: Federal Register Notice of Denial of Petition on Window Bars (CP 75-20): BALLOT VOTE

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APPROVE FR NOTICE AS DRAFTED _____ (signature) _____ (date)

✓ APPROVE FR NOTICE WITH CHANGES _____ (signature) 5/4/77 (date)

DO NOT APPROVE FR NOTICE _____ (signature) _____ (date)

ABSTAIN _____ (signature) _____ (date)

require an added expense in the die used in manufacturing the units. In addition, if a standard results in a unit with more bars, the increase in materials used would also result in increased costs.

After careful consideration of the petition, information furnished by the petitioner, and data and information collected by the Commission staff, the Commission concludes that the petition should be denied because of the lack of information available sufficient to establish that window guards present an unreasonable risk of injury and that a mandatory consumer product safety rule is necessary to protect the public. However, because of the obvious potential for injury created by an excessive distance between the bars of window guards, and the relatively simple solution of designing window guards with a maximum distance between bars small enough to prevent young children from passing through, the Commission believes that an adequate standard could be developed and complied with voluntarily by industry. The Commission also believes that such a standard could be adopted by local jurisdictions choosing to mandate the installation of window guards. Accordingly, the Commission has directed its staff to work with industry and any relevant industry trade associations toward the development of such a standard.

MEMORANDUM

28 APR 1977

CONSUMER PRODUCT SAFETY COMMISSION

B

DATE: APR 27 1977

TO : Commission
THRU : Sadye E. Dunn, Secretary
FROM: Stephen Lemberg, OGC
THRU : Margaret A. Freeston, Asst. General Counsel
SUBJECT: Federal Register Notice of Denial of Petition on Window Bars (CP 75-20): BALLOT VOTE

In accordance with the instructions of the Commission at the April 14 Commission Meeting, we are forwarding for Commission action, a revised notice of denial of the window bar petition, including a commitment to encourage the development by industry of a voluntary standard.

Please indicate below your vote on this matter and return your ballot vote sheet to the Office of the Secretary. by close of business, Thursday, May 5, 1977.

APPROVE FR NOTICE AS DRAFTED _____ (signature) _____ (date)

APPROVE FR NOTICE WITH CHANGES _____ (signature) _____ (date)

DO NOT APPROVE FR NOTICE Barbara H. Franklin (signature) 5-9-77 (date)

ABSTAIN _____ (signature) _____ (date)

I vote to deny this petition. However, I think the decision regarding our involvement in voluntary standards activity should be deferred until after we consider Commissioner Pittle's objections and have had an opportunity to focus on situations like this as we decide upon our voluntary standards policy.

MEMORANDUM

APR 2 8 1977

CONSUMER PRODUCT SAFETY COMMISSION

DATE: APR 27 1977

TO : Commission
THRU : Sadye E. Dunn, Secretary
FROM: Stephen Lemberg, OGC
THRU : Margaret A. Freeston, Asst. General Counsel
SUBJECT: Federal Register Notice of Denial of Petition on Window Bars (CP 75-20): BALLOT VOTE

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Please indicate below your vote on this matter and return your ballot vote sheet to the Office of the Secretary. by close of business, Thursday, May 5, 1977.

APPROVE FR NOTICE AS DRAFTED _____ (signature) _____ (date)

APPROVE FR NOTICE WITH CHANGES _____ (signature) _____ (date)

DO NOT APPROVE FR NOTICE _____ (signature) _____ (date)

ABSTAIN _____ (signature) _____ (date)

Deny Petition* R. David Pittle 5/5/77

* Opinion to follow

UNITED STATES GOVERNMENT

Memorandum

U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, D.C. 20207

Dist 3, 31

AGENDA

TO : Commission

DATE: March 31, 1977

FROM : Sheldon D. Butts, Assistant Secretary

kb for S.B.

SUBJECT: Letter on Petition CP 75-20, Window Bars

The attached letter was received in the Office of the Secretary from Dr. Stephen Lerman, the petitioner in the above referenced matter. Since this matter is scheduled for the Commission meeting on April 14, we are transmitting the letter for your information.

Attachment

DCL

#77032506

THE UNIVERSITY OF NEBRASKA MEDICAL CENTER
42ND STREET AND DEWEY AVENUE
OMAHA, NEBRASKA 68105

DEPARTMENT OF PEDIATRICS

Glenn C. Rosenquist, M.D.
402/541-4941
Chairman/Cardiology
William R. Brown
402/541-4941
Administrator
CARDIOLOGY
402/541-4941
Paul K. Mooring, M.D.
Philip J. Hofschire, M.D.
CYSTIC FIBROSIS
402/541-4156
Gordon E. Gibbs, M.D., Ph.D.
DENTISTRY
402/541-4481
John F. Simon, D.D.S.
Elizabeth Barr, D.D.S.
DEVELOPMENTAL PEDIATRICS
402/541-7766
Paul Pearson, M.D. (L.O.A.)
E. Jack Trembath, M.D.
Donald Wuori, M.D.
FAMILY SERVICE SECTION
402/541-4885
Louise F. Eaton, M.D.
Director/Psychiatry
Jean Kittell, Social Worker
Joanie Fairchild, R.N.
C & Y Project Nurse
LuAnn Lathrop,
Child Life Coordinator
GASTROENTEROLOGY
402/541-4481
Jon A. Vanderhoof, M.D.
GENERAL PEDIATRICS
402/541-4481
Mark B. Horton, M.D., Director
402/541-4208
Samuel Perry, M.D.
Peter Bickers, M.D.
Michael Crofoot, M.D.
Bonnie Wright, P.A.
HEMATOLOGY & ONCOLOGY
402/541-4481
Rashid Al-Rashid, M.D.
HUMAN GENETICS
402/541-4570
James Eisen, Ph.D.
Warren Sanger, Ph.D.
INFECTIOUS DISEASE
402/541-4481
Stephen J. Lerman, M.D.
METABOLISM
402/541-4942
Hobart E. Wiltse, M.D., Ph.D.
NEONATOLOGY
402/541-4481
Yoshio Miyazaki, M.D.
David Bolam, M.D.
Charles Paxson, Jr., M.D.
NEPHROLOGY
402/541-4481
Carol Angle, M.D.
NEUROLOGY
402/541-4084
Richard Pellegrino, M.D.
Fred Kader, M.D.
PSYCHOLOGY SECTION
402/541-7608
J. Michael Leibowitz, Ph.D.
Lee Mathews, Ph.D.
402/541-4885
Susan Ogborn, Psychology Assistant

March 23, 1977

Sheldon D. Butts
Assistant Secretary
U.S. Consumer Product Safety Commission
Washington, D.C. 20207

Re: Petition No. CP 75-20

Dear Mr. Butts:

Thank you for your letter dated March 16, 1977, and for the copy of the staff briefing package on my window bar petition. Although this response may be too late for the Commission meeting to be held on March 31, 1977, I feel obliged to make a few comments on the assembled material.

First, it seems to me that the "simple option" discussed and endorsed by Peter L. Armstrong, BESS, is a proper common sense approach: set a design standard specifying the maximum distance between the horizontal bars based on the bitemporal measurements of children at risk. These measurements should be readily available from the anthropormphic study he cited. As Mr. Armstrong notes, the 2-3/8" standard for crib slats is based on the measurements of infants and may be unnecessarily tight for the young toddlers (? one year) who would be encountering a window bar.

Second, there seem to be at least two sets of New York City standards. The specifications and diagram from the Window Fall Prevention Program of the NYC Department of Health (letter of December 5, 1975) do not specify the distance between the bars, but it appears to be about 6-7". Francine Shacter's Briefing Paper on Window Bars (October 29, 1976) refers to the specifications given in that letter and, erroneously I think, states that there are "3-inch spaces between horizontal bars." Then, there's a different set of standards that creeps in, the source of which is obscure. The January 28, 1977 memorandum from Henry Resnikoff, BEA, talks about a 5" New York City standard ("a 5" solid sphere cannot pass between the vertical spread") and Francine Shacter's memorandum of February 23, 1977 indicates that

this standard is included at Tab B of the briefing paper of December 9, 1976, but it's not to be found in my packet.

Third, the significance of the NYC contention that no children have flown through their window bars is uncertain. If the bars are 6-7" apart, this indeed suggests that any window bar, no matter what its dimensions, is reliable. If the bars are only 3-5" apart, this suggests that a 3-5" spread is required to be reliable.

Fourth, a proposed California standard is mentioned several times. I'd be curious what it is. California has a good record of safety standards.

Fifth, Henry Resnikoff, BEA, in his January 28, 1977 memorandum, discussing locally available products, quotes from the 1977 Sears Roebuck Home Improvement Catalog description of their window guards:

> Ground level or basement installation helps protect your home from forcible entry. Above ground installation helps keep youngsters from falling out.

Mr. Resnikoff concluded that "the guards are intended primarily for external security" and Ms. Shacter in her memorandum of February 23, 1977, imposes her interpretation on the BEA survey: "...no claim is made that the bars can be relied on to prevent a child from falling." By my reading, it's quite clear that Sears Roebuck does have a child protection function in mind for their product, and I find it difficult to imagine parents interpreting it any other way.

Sixth, and most important, I hope that CPSC will not require that I put a dead body on their doorstep before setting window guard standards. As discussed by D. Stephen Lemberg, Attorney, OGC, the Consumer Product Safety Act does not mandate injury data as a prerequisite for regulatory action. Surely, most people would conclude that, if parents purchase a window guard to prevent their child from falling out the window and if the dimensions of the window guard permit entry of the child's head, the product presents "an unreasonable risk of injury."

Finally, it might be healthy in the future to allow a petitioner more timely access to the data-gathering, deliberations, and biases of the CPSC staff. Industry is consulted; the petitioner might have a useful

adversary role, and the intent of the Consumer Product Safety Act might be better served.

Sincerely yours,

Stephen J. Lerman, M.D.
Assistant Professor of Pediatrics & Medical Microbiology
Director - Pediatric Infectious Disease Unit

SJL/bl

cc: Committee on Accident Prevention
American Academy of Pediatrics

Sydney Wolfe, M.D.
Health Research Group

Consumer Reports

U.S. CONSUMER PRODUCT SAFETY COMMISSION

WASHINGTON, D.C. 20207

March 16, 1977

Dr. Stephen Lerman
Dept. of Pediatrics
University of Nebraska
Medical Center
42nd & Dewey Avenue
Omaha, Nebraska

Re: Petition No. CP 75-20

Dear Dr. Lerman:

In April, 1975, you petitioned the Commission to take certain regulatory action pertaining to window bars used to prevent children from falling. Enclosed for your information is a copy of the staff briefing package on your petition and an additional package from the staff which contains information requested by the Commission before making a decision on your petition.

This matter is tentatively scheduled for decision at a Commission meeting to be held on March 31, 1977. We will notify you when the Commission has acted on your petition. Please feel free to contact me if I can provide any additional information.

Sincerely,

Sheldon D. Butts
Assistant Secretary

Enclosure

AMERICAN REVOLUTION BICENTENNIAL 1776-1976

UNITED STATES GOVERNMENT

Memorandum

U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, D.C. 20207

TO : Commission

DATE: March 15, 1977

FROM : Sheldon D. Butts
Assistant Secretary

THRU: Sadye E. Dunn
Secretary

SUBJECT: Additional Information on CP 75-20, Petition on Window Bars

The attached package is Bethesda's response to the Commission's request for additional information. The Office of the General Counsel has reviewed the package and has no comment on it. The original package in this matter was transmitted to the Commission on December 15, 1976. The December package is available for review in the Office of the Secretary. For your convenience, vote options are also presented below and a copy of the draft Federal Register document from the original package is attached.

Please indicate below your decision on this petition.

1. Petition

GRANT THE PETITION _____ _____

DENY THE PETITION _____ _____

ABSTAIN _____ _____

2. Federal Register

APPROVE FR DOCUMENT
AS DRAFTED/WITH CHANGES _____ _____

DO NOT APPROVE FR DOCUMENT _____ _____

ABSTAIN _____ _____

Comments/Additional Instructions:

Attachment

UNITED STATES GOVERNMENT

Memorandum

U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, D.C. 20207

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Assistant Secretary

THRU: Sadye E. Dunn
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Please indicate below your decision on this petition.

1. Petition

GRANT THE PETITION _____ _____

DENY THE PETITION [signature] 4/14/77

ABSTAIN _____ _____

2. Federal Register

APPROVE FR DOCUMENT
AS DRAFTED/WITH CHANGES _____ _____

DO NOT APPROVE FR DOCUMENT [signature] 4/14/77

ABSTAIN _____ _____

Comments/Additional Instructions:

As to the issuance of a mandatory rule at this time, but with the understanding it will be further considered in the context of a possible voluntary standard activity

Attachment A

MAR 15 1977

MAR 15 1977

UNITED STATES GOVERNMENT

Memorandum

U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, D.C. 20207

TO : Commission

DATE: March 15, 1977

FROM : Sheldon D. Butts
Assistant Secretary

THRU: Sadye E. Dunn
Secretary

SUBJECT: Additional Information on CP 75-20, Petition on Window Bars

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Please indicate below your decision on this petition.

1. Petition

GRANT THE PETITION _____ _____

DENY THE PETITION x R. David Pittle 4/13/77

ABSTAIN _____ _____

2. Federal Register

APPROVE FR DOCUMENT ~~AS DRAFTED/WITH CHANGES~~ * x R. David Pittle 4/13/77

DO NOT APPROVE FR DOCUMENT _____ _____

ABSTAIN _____ _____

Comments/Additional Instructions:

* as per LMK notes

Attachment

UNITED STATES GOVERNMENT

Memorandum

U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, D.C. 20207

TO : Commission

DATE: March 15, 1977

FROM : Sheldon D. Butts
Assistant Secretary

THRU: Sadye E. Dunn
Secretary

SUBJECT: Additional Information on CP 75-20, Petition on Window Bars

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Please indicate below your decision on this petition.

1. Petition

GRANT THE PETITION _____ 4/14/77

*But I do support convening a meeting of manufacturers to explore the voluntary standard process.

DENY THE PETITION _____ _____

ABSTAIN _____ _____

2. Federal Register

APPROVE FR DOCUMENT
AS DRAFTED/WITH CHANGES _____ _____

DO NOT APPROVE FR DOCUMENT _____ 4/14/77

ABSTAIN _____ _____

Comments/Additional Instructions:

Attachment

UNITED STATES GOVERNMENT

Memorandum

U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, D.C. 20207

TO : Commission

DATE : March 15, 1977

FROM : Sheldon D. Butts
Assistant Secretary

THRU: Sadye E. Dunn
Secretary

SUBJECT: Additional Information on CP 75-20, Petition on Window Bars

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Please indicate below your decision on this petition.

1. Petition

GRANT THE PETITION _____ _____

DENY THE PETITION _____ 4/14/77

ABSTAIN _____ _____

2. Federal Register

APPROVE FR DOCUMENT
AS DRAFTED/WITH CHANGES _____ _____

DO NOT APPROVE FR DOCUMENT Return to OGC for redrafting. _____

ABSTAIN _____ _____

Comments/Additional Instructions:

Agree to pursue voluntary std development effort thru an assn or vol std group.

Attachment

UNITED STATES GOVERNMENT

Memorandum

U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, D.C. 20207

TO : Commission

DATE: March 15, 1977

FROM : Sheldon D. Butts
Assistant Secretary

THRU: Sadye E. Dunn
Secretary

SUBJECT: Additional Information on CP 75-20, Petition on Window Bars

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Please indicate below your decision on this petition.

1. Petition

GRANT THE PETITION _____ _____

DENY THE PETITION Barbara H. Franklin 4-14-77
but consider for voluntary standard activity

ABSTAIN _____ _____

2. Federal Register

APPROVE FR DOCUMENT
AS DRAFTED/WITH CHANGES _____ _____

DO NOT APPROVE FR DOCUMENT Barbara H. Franklin 4-14-77

ABSTAIN _____ _____

Comments/Additional Instructions:

Redraft & Recirculate FR notice for ballot vote

Attachment

UNITED STATES GOVERNMENT

Memorandum

U.S. CONSUMER PRODUCT
SAFETY COMMISSION
WASHINGTON, D.C. 20207

TO : The Commission
Through: Office of the Secretary
Through: Michael Brown, Acting Executive Director
FROM : Francine Shacter, Technical Analysis Division, OSCA

DATE: 23 FEB 1977

SUBJECT: Additional Information on CP-75-20, Petition on Window Bars

As requested by the Commission, attached is additional information on window bars.

The Bureau of Epidemiology has checked the available data bases--surveillance data, death certificates, the Injury Bulletin--and does not have any data on injuries involving window bars. There are no in-depth investigations for fiscal years 1974, 1975 and 1976.

The Bureau of Economic Analysis (BEA) conducted a limited survey of marketing and manufacturing practices. BEA found that most bars have a 6-inch vertical spread between bars. In New York City, there is a law requiring landlords to provide window bars to families with children under 10 years of age living in apartments. The City has a standard for these bars which is included at Tab B of the briefing paper of December 9, 1976. This standard provides that

- a 5-inch solid sphere cannot pass between the vertical spread and
- installation instructions and mounting screws are attached to the guard.

BEA concludes by saying that

> "At this time there are at least fifty to sixty thousand approved window bars installed in New York City."

Mrs. Spiegel, the Director of the program "Children Can't Fly," has told a staff member on the phone that New York City has no reports of a child falling out of a window equipped with a window bar.

BEA checked locally with Sears Roebuck and with Hechingers. BEA found that no claim is made that the bars can be relied on to prevent a child from falling. In the Sears catalogue the window guard is described as follows:

☆U.S. GOVERNMENT PRINTING OFFICE: 1974 733-533/3604 1-3

Ground level or basement installation helps protect your home from forcible entry. Above ground installation helps keep youngsters from falling out.

Attachments (2)

CONCURRENCE:

Charles R. Casper, Jr., Acting Director, OSCA

UNITED STATES GOVERNMENT

Memorandum

U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, D.C. 20207

TO : Francine Shacter, SCAT
Through: Joann Langston, AED, HIA, EX;
Dr. Robert Verhalen, Director, BEP

DATE: January 31, 1977

FROM : George W. Rutherford, BEPH

SUBJECT: CP-75-20, Petition on Window Bars

A check was made of the available data bases for window bars. Since this product does not have its own product code, no information can be extracted from the surveillance data, Death Certificate file, or the Injury Bulletin.

In-depth investigations for FY '74, FY '75, and FY '76 were checked on several product categories that could conceivably hold cases involving window bars. No cases of this type are on file in the Clearinghouse.

*U.S. GOVERNMENT PRINTING OFFICE: 1974 733-533/3604 1-3

UNITED STATES GOVERNMENT

Memorandum

U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, D.C. 20207

TO : Francine Shacter, SCAT

DATE: January 28, 1977

FROM : Henry Resnikoff, BEA

Thru : Walter R. Hobby, Director, BEA
Joann Langston, Acting AED/HIA

SUBJECT: Window Bars

The information on window bars that we have gathered in response to your recent request is as follows:

Window bars, also known as adjustable window guards, are sold to the public through a variety of direct, wholesale and retail outlets. Some bar fabricators and iron-mongers custom make bars as well as sell standardized inventory out of their shop facilities. Most window guard manufacturers sell to hardware stores, locksmith shops and chain department stores. So far as we know, window guards are not sold in children's and infant's furniture stores or in toy specialty shops or toy concessions of department stores.

Twenty-one manufacturers have been contacted. Four of the manufacturers are producing window guards which conform to the New York City standard. Only two of the other seventeen manufacturers were aware of the standard but they do not plan to fabricate window guards for the New York City market. One of the two manufacturers is interested in complying with a proposed California window guard code.

Manufacturers must retool their casting equipment in order to comply with the New York City code. The standard in the industry has been a 6" vertical spread between bars. The New York City code requires a 5" vertical spread. The reduction in vertical spread requires a small increase in the amount of labor and materials used to fabricate a window guard unit. Almost the entire cost impact of switching from a 6" to a 5" vertical spread is the capital cost of changing dyes and

*U.S. GOVERNMENT PRINTING OFFICE: 1974 733-533/3604 1-3

casts. One manufacturer thinks that the industry will switch to a 5" standard but that the alteration will take quite a while because of equipment costs. The catalyst for a switchover is the potential market created by the New York City, California and possible other state and municipal codes on window guards. It seems likely that any additional municipal standards will spur the conversion rate. At this time, however, 5" vertical span window guards are only marketed in New York City. This is probably due to the shortage of production capacity and the present high demand for the commodity. As the New York City market is satisfied and as additional capacity comes on line, 5" vertical spread window bars should be available in other metropolitan markets.

The New York City standard states that a window guard is acceptable for installation to prevent children under the age of ten from falling from a window if (a) a 5" solid sphere cannot pass between the vertical spread and (b) that installation instructions and mounting screws are attached to the guard. Window guards which meet these criteria are stamped with an approval number. The consumer can check the approval number against lists made available by the City of New York. The manufacturers identify the window guards as "approved", with the approval number, on the installation instructions. At this time there are at least fifty to sixty thousand approved window bars installed in New York City.

Locally, Sears Roebuck and Hechingers Hardware stores both stock a window guard of the variety under consideration. Neither is labeled in any manner as child resistant or proof. The salesman in each store, when asked if he would recommend the guard for use in preventing a small child from falling out of a window, stated he was not sure if the guard was adequate for the job. The guards are intended primarily for external security. The current Sears Roebuck Home Improvement Catalog for 1977, however, describes the window guard inspected in the store visit as follows:

> Ground level or basement installation helps protect your home from forcible entry. Above ground installation helps keep youngsters from falling out.

There is no description of vertical span size in the catalog.

The City of New York's Health Department is not aware of any other municipality imposing a standard for window guards.

We are expecting additional information which will be used to evaluate the economic issues of window guards.

December 16, 1976

Stephen J. Lerman, M.D.
425 Riverside Drive
New York, New York 10025

Re: CP 75-20

Dear Dr. Lerman:

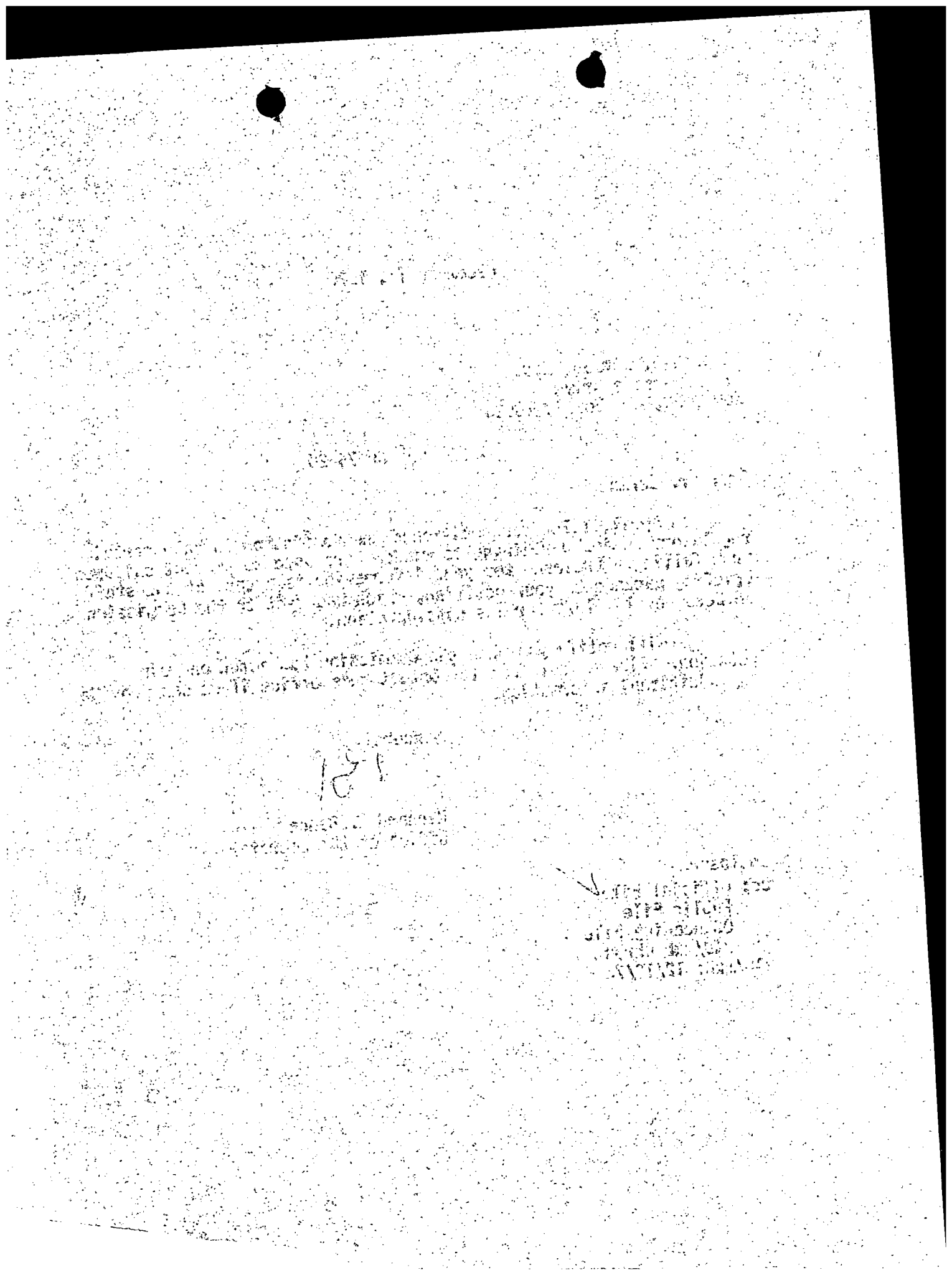
In April, 1975, you petitioned the Commission to take certain regulatory action pertaining to window bars used to prevent children from falling. Enclosed for your information is a cpy of the staff briefing package on your petition, which was sent to the Commission on December 15, 1976 for its consideration.

We will notify you when the Commission has acted on your petition. Please feel free to contact this office if we can provide any additional information.

Sincerely,

Richard A. Danca
Office of the Secretary

Enclosure
cc: Official File
Public File
OS Reading File
RAD/mkb Chron
RAD/mkb: 12/16/76



UNITED STATES GOVERNMENT

Memorandum

U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, D.C. 20207

chad KB 12-15

TO : Commission

DATE: December 15, 1976

FROM : Richard A. Danca
Office of the Secretary

THRU: Sadye E. Dunn
Secretary

SUBJECT: Petition on Window Bars (CP 75-20)

In the attached material, the staff discusses a petition which requests regulatory action on window bars sold to prevent young children from falling. In its memo, OGC discusses the petition and the briefing package. Although the staff package includes a draft letter of denial to the petitioner and a draft Federal Register notice of denial, we have not presented voting options on these documents, bases on recommendations in OGC's memo, and on informal guidance from that office.

Please indicate below your vote on this petition.

GRANT THE PETITION _____ _____

DENY THE PETITION
BECAUSE:

THERE IS INSUFFICIENT INFORMATION TO DETERMINE AN UNREASONABLE RISK (per draft FR Notice) _____ _____

OR

THERE IS INSUFFICIENT INFORMATION TO FIND THAT A SAFETY STANDARD IS NECESSARY (per draft FR Notice) _____ _____

OR

FAILURE TO DEVELOP A STANDARD WOULD NOT EXPOSE CONSUMERS TO AN UNREASONABLE RISK OF INJURY _____ _____

ABSTAIN _____ _____

Attachments

UNITED STATES GOVERNMENT

Memorandum

U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, D.C. 20207

TO : The Commission
Through: Sadye E. Dunn, Secretary
Through: Margaret A. Freeston, Assistant General Counsel

DATE: DEC. ~~14~~ 15 1976

FROM : D. Stephen Lemberg, Attorney, OGC

SUBJECT: Briefing Package on Window Bars Petition (CP 75-20)

1. The attached briefing package contains, at Tab H, a draft letter to the petitioner stating that the petition is denied. The inference in the letter is that the basis of the denial is the fact that there is a lack of injury data associated with windows bars. The draft Federal Register notice at Tab H also relies on the absence of injury data in denial of the petition.

The legislative history of the Consumer Product Safety Act, however, indicates that injury data need not be produced in order to proceed with a regulatory action. The Senate Commerce Committee Report, for example, states that "although it is the purpose of the bill and the ... [Commission's] prime responsibility to eliminate known injuries, this requirement is not intended to place a burden upon the ... [Commission] of producing proof of actual injuries in order to justify the notice of proceeding. The information upon which the ... [Commission] bases ... [its] need could consist of injury information collected by the National Injury Information Clearinghouse, ... [its] own investigations and judgments, risk-based analysis, or other engineering data." (S. Rep. No. 92-749, 92d Cong., 2d Sess. 27 (1972)). Therefore, if the petition is denied, we would recommend that the letter and FR notice be clarified to eliminate this inference.

2. The atlernatives section of the briefing memo points out that the petition may be denied on the basis, among others, that no unreasonable risk of injury is presented by the product. A finding that there is insufficient information upon which to determine that an unreasonable risk of injury is presented is also provided as a possible reason for denial. Pages two and three of the draft Federal Register notice at Tab H utilize both of these reasons. Since these reasons appear somewhat inconsistent, if the petition is denied, we would request the opportunity to edit the final notice of denial for purposes of

*U.S. GOVERNMENT PRINTING OFFICE: 1974 733-533/3604 1-3

internal consistency and accuracy in explaining the Commission's reasons for its decision. In a situation such as presented by the present petition where the available information is scanty, we would suggest that a denial be based on the lack of information rather than on an affirmative finding of no unreasonable risk of injury.

Attachment

1 Office of the Secretary — Date Received

Title: Window Bars — 4/18/75

Petitioner: S. J. Lerman

2 Office of the General Counsel — Date Received

Legal Coordinator: Phone:

3 Office of the Secretary — Date Received

PETITION NUMBER: CP-75-20

4 Office of the Executive Director — Date Received

Sent To: OSCA ☐ BBS ☐

5 Action Division: _____ — Date Received

Coordinator: B. Simson Phone: _____

Action	Date
Initial Circulation of Petition	
Circulation of Final Briefing Package	
Final Briefing Package Completed	
Other (specify).....	

6 Office of the Executive Director — Date Received

Date Transmitted to OS: 12/9/76 — 12/7/76

7 Office of General Counsel — Date Received

Date to OS: _____

Date to other organization: _____

(specify) _____

8 Office of the Secretary — Date Received

* 9 Commission — Date Received

Action Taken and Date:
(specify)

Federal Register Entry Date: _____

Date to Legal Files: _____

Comments:

* Office of the Secretary should provide the required data. Additional information should be entered in the comments item above. Action taken should be specific (e.g. approval, denial, pending, other.) Notify Management Information Function, OSCA when the legal file entry has been completed by telephone. Forward the completed form when all Petition action has been completed to Management Information Function, Office of Standards Coordination and Appraisal. Use typewriter or print with a ballpoint pen.

Please return entire package with sign-off

DATE : November 9, 1976

TO : Those Checked Below

FROM : Francine E. Shacter, Technical Analysis Division/OSCA
Office of Standards Coordination and Appraisal, TAD

SUBJECT : Sign-off for the Briefing Package on Window Bars (CP-75-20)
(Standard, petition, etc.)

on _____ Dated _____
(subject)

Your signature below signifies that you have reviewed the attach[illegible] material. Please denote your approval or disapproval of the material and forward this sign-off sheet to us by c.o.b. November 12, 1976. If you do not approve the material, reason(s) for your not approving must be attached to the sign-off sheet.

ORGANIZATION	SIGNATURE	APPROVE/DISAPPROVE	
Office of the General Counsel			
Office of the Executive Director			
Office of Program Planning and Evaluation			
Office of Resource Utilization			
Office of Field Coordination			
Office of Medical Director	R. J. Duffy M.D.	✓ 11/10/76	
Bureau of Epidemiology			
Bureau of Economic Analysis			
Bureau of Engineering Sciences			
Bureau of Biomedical Sciences			
Bureau of Information and Education			
Bureau of Compliance			
Office of Product Defect Identification			
Office of Standards Coordination and Appraisal			

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Office of the Executive Director			
Office of Program Planning and Evaluation			
Office of Resource Utilization			
Office of Field Coordination			
Office of Medical Director			
Bureau of Epidemiology	[illegible]		
Bureau of Economic Analysis			
Bureau of Engineering Sciences			
Bureau of Biomedical Sciences			
Bureau of Information and Education			
Bureau of Compliance			
Office of Product Defect Identification			
Office of Standards Coordination and Appraisal			

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(Standard, petition, etc.)

on _____ Dated _____
(subject)

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Office of Resource Utilization			
Office of Field Coordination			
Office of Medical Director			
Bureau of Epidemiology			
Bureau of Economic Analysis	11/2/76		
Bureau of Engineering Sciences			
Bureau of Biomedical Sciences			
Bureau of Information and Education			
Bureau of Compliance			
Office of Product Defect Identification			
Office of Standards Coordination and Appraisal			

DATE : November 19, 1976

TO : Those Checked Below

FROM : Francine Shacter
Office of Standards Coordination and Appraisal, TAD

SUBJECT : Sign-off for the petition
(Standard, petition, etc.)

on window bars (subject) Dated ~~October 29, 1976~~

Your signature below signifies that you have reviewed the attach · material. Please denote your approval or disapproval of the material and forward this sign-off sheet to us by c.o.b. Friday, November 19, 1976 . If you do not approve the material, reason(s) for your not approving must be attached to the sign-off sheet.

ORGANIZATION	SIGNATURE	APPROVE/DISAPPROVE	
Office of the General Counsel			
Office of the Executive Director			
Office of Program Planning and Evaluation			
Office of R source Utilization			
Office of Field Coordination			
Office of Medical Director			
Bureau of Epidemiology			
Bureau of Economic Analysis			
✓ Bureau of Engineering Sciences	JB 11/19/76 W S West	*	
Bureau of Biomedical Sciences			
Bureau of Information and Education			
Bureau of Compliance			
Office of Product Defect Identification			
Office of Standards Coordination and Appraisal			

* if Pete Armstrong's memo of 8/4/76 is included

UNITED STATES GOVERNMENT

Memorandum

U.S. CONSUMER PRODUCT
SAFETY COMMISSION
WASHINGTON, D.C. 20207

TO : The Commission
Through: Office of the Secretary
Through: Office of the Executive Director

DATE: 9 DEC 1976

FROM : Francine Shacter, Technical Analysis Division, OSCA

SUBJECT : Briefing Package on Window Bars (CP-75-20)

Attached for Commission action is a briefing package on the above subject.

Attachment

cc:
BEP
OMD
BEA
BES

CONCURRENCE:

Charles R. Casper, Jr., Acting Director, OSCA

☆U.S. GOVERNMENT PRINTING OFFICE: 1974 733-533/3604 1-3

October 29, 1976

BRIEFING PAPER

ON

WINDOW BARS

(CP-75-20)

Francine E. Shacter
Office of Standards
Coordination and Appraisal
492-6470

ISSUE:

Whether to grant or deny a petition requesting setting of standards for window guards sold to prevent young children from falling.

DISCUSSION:

On April 22, 1975 the Office of the Secretary received a letter from Dr. S. Lerman describing his experience with a window bar he had purchased to prevent his year-old daughter from falling out of a window (Tab A). Dr. Lerman purchased a four bar, 21-inch high model with bars spaced 5 5/8 inches apart. In a letter to the Commission, Dr. Lerman said, "I installed the device and was then dismayed to see my daughter put her head sideways between the bars; I grabbed her as her torso began to follow." Dr. Lerman goes on to say of the brand he purchased "WINDOW BAR is inherently dangerous; the excessive distance between the horizontal bars represents a serious hazard to urban children." He suggests that "it might be appropriate to allow the same maximum distance between the horizontal bars of window guards as is allowed between the vertical slats of children's cribs."

The window guards described by Dr. Lerman generally range in height between 15 and 21 inches and are more likely to be used on upper story windows of apartment buildings rather than on the ground floor. These guards are not the same as the heavy metal bars which cover an entire window, are generally sold to protect occupants from intruders, and are more likely to be used on the ground floor of an apartment building or private home.

The Office of the General Counsel, on April 30, 1975, determined that the letter qualifies as a petition under the CPSA. OGC says that it is their view that window guards, including those distributed solely to keep children from falling out of windows, are not "Toys or other articles intended for use by children" regulatable as such under the FHSA.

Dr. Lerman lives in New York City where the Department of Health instituted a window fall prevention program in 1972 which collects statistics on falls, conducts on-site in-depth interviews with families reporting falls, and provides window bars to poor families with young children living in tenements. For the year 1973, 192 falls were reported of which 32 were fatal. In 1974, 132 falls were reported of which 25 were fatal. And in 1975, 159 falls were reported of which 19 were fatal. Mrs. Spiegel, Program Director, attributes the reduction in injuries and fatalities to the activities of this program, called "Children Can't Fly." In a letter dated February 26, 1975, Mrs. Spiegel wrote "According to home visit surveys and investigation made pursuant to each incidence of falls, there have been no falls reported from windows protected by window guards" (Tab B).

The window guard distributed by the Health Department is 15 inches high with 3-inch spaces between horizontal bars. A description of the specifications used by the City is included in Mrs. Spiegel's letter dated December 5, 1975 (Tab B).

Mrs. Spiegel told the Office of Standards Coordination and Appraisal (OSCA) in a phone conversation that, to her knowledge, there is not another large city with a similar program. OSCA calls to Health Departments in Chicago, Illinois and Buffalo, New York, did not reveal either data on falls by young children or programs to provide bars to poor families with young children.

Comments of the Bureaus and Offices are summarized below.

BEP (TAB C):

The Bureau of Epidemiology could not find data on accidents of this type. This is due, in part, to the fact that there is no code for window bars. "In-depth investigations for FY 74 and FY 75 were checked on several product categories that could conceivably hold cases involving window bars. No cases of this type are on file in the Clearinghouse."

OMD (TAB D):

The Office of the Medical Director "recommends granting the petition" and "considers that there is sufficient, if not greater, existence of a hazard similar to that related to the vertical slat distance in children's cribs."

BEA (TAB E):

The Bureau of Economic Analysis conducted a limited investigation of production and distribution of these window guards. BEA found that this product may be prefabricated or custom made, is generally sold for installation by the consumer, and is adjustable to various window sizes. The spacing between horizontal bars is about 4 1/2 inches and between vertical bars is 4 1/2 to 5 1/2 inches, depending upon the size of the window.

BEA commented on the probable economic effect of either a safety standard or a labeling standard. A safety standard specifying changes in the dimension between bars "would probably require a change in the die used in manufacturing the units. The change in cost associated with this depends on the normal cycle of replacement and the effective date of a new standard. If a standard results in a unit with more bars, the increase in materials used would also result in increased costs." In the case of a labeling standard whereby "to be labeled as child-proof, a bar unit must meet the dimension requirements of a standard," BEA would need to know the specific requirements of the standard before estimating more precisely the economic effect.

BES (TAB F):

The Bureau of Engineering Sciences discusses four examples of standards that could be developed, should the Commission so decide. However, it is the opinion of BES that "the petition should be granted only if the Commission can develop a standard with minimal commitment of resources" because there are "too many product hazards with documented injuries" and, for window guards, "we have yet to receive a single reported injury."

DIVISION OF VOLUNTARY STANDARDS (TAB G):

The Division of Voluntary Standards states that it does not know of any standards for window bars used to prevent children from falling out of windows.

FACTORS THE COMMISSION CONSIDERS IN GRANTING OR DENYING PETITIONS:

In the FEDERAL REGISTER of September 29, 1976 (41 FR 43129), the Commission, in Section 1110.11 of its interim prodecures for petitioning under Section 10 of the CPSA, summarizes the major factors it considers in deciding whether to grant or deny a petition. These factors include:

1. Whether the consumer product involved presents an unreasonable risk of injury,
2. Whether a consumer product safety rule is reasonably necessary to eliminate or reduce the risk of injury, and
3. Whether failure of the Commission to initiate the rulemaking proceeding requested would unreasonably expose consumers to the risk of injury which the petitioner alleges is presented by the product.

In addition, the Commission has stated that the relative priority of the risk of injury associated with the product and the Commission's resources available for rulemaking activities with respect to that risk of injury will be considered a component of each of these factors.

Therefore, in considering whether to grant or deny a petition to commence a proceeding for the development of a consumer product safety standard, the Commission may evaluate all available information relevant to these factors. This information may include, but is not limited to, injury data, expert opinions on injury potential of the product, economic information on the possible effect of a standard on the product's cost, utility, and availability, alternative means of reducing or eliminating unreasonable risk of injury, including other available regulatory devices and voluntary standards, relationship of the risk of injury presented by the product under consideration to other risks of injury, and the resources of the Commission to deal with that risk of injury.

ALTERNATIVES:

Grant the Petition. The Commission may grant the petition if it can make the preliminary finding that window bars designed to prevent children from falling out of windows present an unreasonable risk of injury and that a consumer product safety standard is necessary to eliminate or reduce that risk of injury.

Deny the Petition. The Commission may deny the petition if it makes one or more of the following findings:

1. That presently available information does not support a preliminary determination that window bars present an unreasonable risk of injury,

2. That presently available information does not support a determination that a consumer product safety standard is necessary for window bars, or
3. That based on presently available information, the failure of the Commission to initiate a standards development proceeding for window bars would not unreasonably expose the petitioner or other consumers to a risk of injury presented by the product.

An analysis of each of these factors involves a consideration of the relative priorities of the risk of injury alleged to be associated with window bars and the Commission's resources available for rulemaking activities with respect to that risk of injury.

LIST OF ATTACHMENTS

Tab A - Letter to the Office of the Secretary from Dr. S. Lerman on Window Bars

Tab B - New York Department of Health "Children Cannot Fly" Program

Tab C - Comments from BEP

Tab D - Comments from OMD

Tab E - Comments from BEA

Tab F - Comments from BES

Tab G - Comments from VSD/OSCA

Tab H - Draft FEDERAL REGISTER Notice and Letter to the Petitioner

TAB-A

425 Riverside Drive
New York, N.Y. 10025

April 18, 1975

Mr. Shelden Butts
Assistant Secretary
Consumer Product Safety Commission
1750 K. Street, N.W.
Washington, D.C. 20207

Dear Mr. Butts:

Enclosed is my letter of last October concerning WINDOW BAR (Kaufman Iron Works), copies of which were sent to the Consumer Product Safety Commission and the American Academy of Pediatrics, and replies from the Commission and the Academy. I received no reply from the manufacturer.

I again call this to the attention of the Consumer Product Safety Commission and petition for the setting of standards for window guards. The design of WINDOW BAR is inherently dangerous; the excessive distance between the horizontal bars represents a serious hazard to urban children.

As suggested by the American Academy of Pediatrics, it might be appropriate to allow the same maximum distance between the horizontal bars of window guards as is allowed between the vertical slats of childrens' cribs.

Thank you for reconsidering this matter.

Sincerely yours,

Stephen J. Lerman, M.D.

Re CP-75-19

CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, D.C. 20207

In reply refer to BIE-644-7

November 15, 1974

Dr. Stephen J. Lerman
425 Riverside Drive
Apartment 14F
New York, New York 10025

Re: Window-bar

Dear Consumer:

Thank you for telling us about your experience with the above product.

Your information has been turned over to appropriate members of our staff who will evaluate it and, if necessary, obtain an official sample of the product for analysis. We will take whatever action is indicated.

Please contact us if we may be of further service.

Very truly yours,

William W. Taylor
Director
Product Safety Information Div.

By: Edward J. Chapin
Operations Officer

American Academy of Pediatrics

COMMITTEE ON ACCIDENT PREVENTION

RT G. SCHERZ, M.D., CHAIRMAN
CAL DIRECTOR
BRIDGE CHILDREN'S
TH CENTER
OUTH L STREET
MA, WASHINGTON 98405
) 272-1281

November 5, 1974

Stephen J. Lerman, M.D., F.A.A.P.
Assistant Professor of Pediatrics
Albert Einstein College of Medicine
425 Riverside Drive
Apartment 14F
New York, New York 10025

Dear Doctor Lerman: Re: Window-Bar.

This problem should be brought to the attendion of Pediatricians and families who have children. I have sent a copy of your letter to the Home Conference of the National Safety Council, for possible inclusion in their quarterly magazine, "Family Safety", and also in our "Newsletter", to members of the American Academy of Pediatrics.

Although I know of no regulations covering the distance between window bars, a reasonable one would be 2-3/8". This is the maximum distance allowed between vertical bars for Federal Regulations for children's cribs.

Sincerely,

Robert G. Scherz, M.D.
Chairman
Accident Prevention Committee
American Academy of Pediatrics

RGS:ma

cc: Mary Tenne, A.A.P.
Phil Dykstra, N.S.C.

October 23, 1974

Mr. David Kaufman
Kaufman Iron Works
1685 Boone Avenue
Bronx, N.Y. 10460

Dear Mr. Kaufman:

Living in a 14th floor apartment and concerned about my active year old daughter falling out a window, I purchased at a local hardware store WINDOW-BAR (four bar model - 21" overall height) which is manufactured by your company. I installed the device and was then dismayed to see my daughter put her head sideways between the bars; I grabbed her as her torso began to follow.

The distance between each horizontal bar is an overly-generous 5 5/8". It may keep out burglars, but it doesn't keep in young children.

The local hardware store refunded my money and, recognizing the ineffectiveness of your product, is returning its remaining stock to you.

Accidental falls from open windows are among the leading causes of mortality for urban youngsters and could be prevented by appropriately designed window guards. Since your product engenders a false sense of security in parents, it presents a particularly serious hazzard to the safety of children.

As you will note, I am forwarding copies of this letter to several organizations for appropriate action.

Sincerely yours,

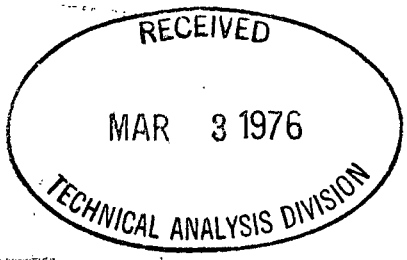
Stephen J. Lerman, M.D., F.A.A.P.
Assistant Professor of Pediatrics
Albert Einstein College of Medicine

cc: Consumer Product Safety Commission
N.Y.C. Dept. of Consumer Affairs
American Academy of Pediatrics
Consumer Reports

TAb-B

Form—6A

DEPARTMENT OF HEALTH
125 WORTH ST., NEW YORK, N. Y. 10013
Telephone: 566— 7747



February 26, 1976

Mrs. Francine Shacter
U.S. Consumer Product Safety
U.S. Consumer Safety Commission
5401 West Bard Avenue
Bethesda, Maryland 20207

Dear Mrs. Shacter:

Pursuant to our phone conversation today, I am enclosing the latest compilation of statistics which includes the 1975 data on child window falls.

To re-iterate what I conveyed to you relevant to incidence of falls from windows protected by guards: According to home visit surveys and investigation made pursuant to each incidence of falls, there have been no falls reported from windows protected by window guards. To the best of our information, these are the facts. Many falls, however, have been attributable to ill-fitting or poorly installed screens against which children have leaned, under the mistaken impression that they were firmly secured and would resist the body's weight.

Also enclosed is a copy of an article from the Columbus Dispatch on the fire hazard factors of security gates. It is most important that a distinction be made between this type of heavily locked security gate most of which cover 70 - 90% of the total window area, and which are intended to keep out burglars, and the type of guard we recommend which is only 15 inches high,readily removable, and is intended to prevent children from falling from windows.

We would like to be kept advised of and when any standards are established by your agency with regard to window guards.

Thank you.

Sincerely,

Charlotte Spiegel

Charlotte Spiegel, Director
Window Fall Prevention Program

CS:C
Enclosure

WINDOW FALLS: COMPARATIVE TABLES 1975 - 1974 - 1973

BOROUGH:	REPORTED FALLS			REPORTED FATALITIES			% CITY FALLS		
	1975	1974	1973	1975	1974	1973	1975	1974	1973
BRONX	54	64	108	7	14	14	34.2%	48.4%	56%
BROOKLYN	70	35	46	4	3	6	44.0%	26.5%	24%
MANHATTAN	23	22	21	6	7	7	14.4%	16.7%	11%
QUEENS	9	10	8	2	1	2	5.8%	7.5%	4%
STATEN ISLAND	3	1	0	0	0	0	1.9%	.08%	0
Totals:	159	132	192	19	25	32	100 %	100 %	100%
DISTRICTS:							% BOROUGH FALLS		
BRONX									
Mott Haven	16	23	42	2	0		30.0%	36.0%	39%
Morrisania	13	18	29	3	7		24.0%	28.0%	27%
Tremont	19	21	26	2	6		35.0%	33.0%	24%
West-Pelham	6	2	11	0	1		11.0%	3.0%	10%
Totals:	54	64	108	7	14		100 %	100 %	100%
BROOKLYN:									
Crown Hgts-Bed	11	5	5	0	0		15.7%	15.7%	11%
Brownsville	4	9	7	1	0		5.7%	26.0%	15%
Bushwick	35	8	8	0	0		50.0%	23.0%	17%
Flatbush	4	4	2	2	2		5.7%	11.0%	4%
Ft. Greene	3	3	6	1	1		4.3%	9.0%	13%
Red Hook	3	0	5	0	0		4.3%	-	11%
Sunset Park	6	2	5	0	0		8.6%	5.0%	11%
Williamsburg	4	4	8	0	0		5.7%	11.0%	18%
Totals:	70	35	46	4	3		100 %	100 %	100%
QUEENS:									
Jamaica	2	7	8	0	0		22.2%	70.0%	100%
Corona	1	2	0	0	0		11.1%	20.0%	-
Astoria	5	0	0	1	0		55.5%	-	-
Far Rockaway	1	1	0	1	1		11.1%	10.0%	-
Totals:	9	10	8	2	1		100 %	100 %	100%
MANHATTAN:									
C. Harlem	5	10	7	3	2		22.0%	45.0%	33%
E. Harlem	2	3	4	0	1		9.0%	14.0%	19%
Riverside	2	1	3	1	1		9.0%	5.0%	15%
Lower E. Side	7	6	4	1	3		30.0%	27.0%	19%
Lower W. Side	2	0	1	0	0		9.0%	-	5%
Wash. Hgts.	5	2	2	1	0		22.0%	9.0%	9%
Totals:	23	22	21	6	7		100 %	100 %	100%
STATEN ISLAND:	3	1	0	0	0		100 %	100 %	-

Firemen across the nation tell harrowing tales of families, including scores of children, trapped in smoke-choked rooms by metal window grates and key-operated deadbolt "safety" locks.

"THE REAL PROBLEM is that people don't realize what happens to them in smoke and fire," said C.G. Nunnelly, the fire chief in Birmingham, Mich. "Fire investigators in the past just attributed deaths to smoke and left it at that, rather than wonder why the victims failed to get out."

In many cases the victims got to windows but were imprisoned by their own bars. Others have been found slumped against doors locked from the inside with a key. In the rush to get out they forgot or couldn't find the key.

Fire marshals in urban areas contacted by The Associated Press in an informal survey shared the same general reaction: "We can't tell you not to bar your windows, but there are better ways to protect your home."

SEVERAL CITIES, such as San Francisco and New York, have codes restricting the type of grates that can be put on windows, but door locks aren't as strictly regulated.

In New York City, fire department spokesmen reported from 10 to 20 deaths a year — up to 10 percent of all fire fatalities in the city — are caused by illegal security grates.

Eight deaths in Detroit this year and at least seven other fatalities elsewhere in Michigan since 1973 have been blamed on deadbolt key locks, said Detroit Fire Marshal Donald L. Robinson.

THE MOST GRUESOME case in Michigan occurred in Avon, a suburb northwest of Detroit, in December 1974. Firemen found the bodies of a

"If you have too many locks on the door, especially double-keyed locks, you may not be able to find the keyhole in an emergency fire situation," said Sgt. Lee Tracy of the Beverly Hills, Calif., police.

IN BEVERLY HILLS and Los Angeles three deaths in as many months and four in a year have been attributed to window bars. The Los Angeles City Council recently took action to curb the toll by ordering that window bars to be removable from the inside without he use of any special tool or key.

Beverly Hills is famed for its wealthy residents, but in most cases neighborhoods with window bars have been low-income, high-crime areas where people fear not only burglars but rapists and other attackers more than they fear fire, the officials agreed.

Los Angeles Fire Inspector Gilbert Lindley said he can't blame people for being afraid.

DEATH TRAP — A Los Angeles fire department inspector examines barred windows which kept residents of a home from escaping during a recent fire. Fire officials in some cities discourage use of such bars as security devices, and in several major cities building codes restrict the type of grates that can be put on windows.

"TAKE A CASE LIKE the Westside Rapist," he said of the 33 unsolved attacks and 10 murders that still haunt elderly women in west-central Los Angeles. "They think, 'Put up bars,' but that really isn't the answer."

"I'm an elderly woman, and they (bars) make me feel secure," said one San Bernardino, Calif., resident. "I can sleep with my doors open in the summertime and feel perfectly safe."

"For one thing, you can get smoke detectors," said Lindley. He said there are sophisticated computer-telephone systems which automatically notify police or fire agencies in the event of intruders or fires.

YOU PAY ACCORDING to the sophistication of a wide range of devices that can be installed, such as electric eyes, listening devices, heat sensors and a variety of alarms, silent and noisy. Most of them currently are more expensive than simple window bars, perhaps one reason why low-income areas opt for the grates.

Of course the more complicated devices often result in an increase in false alarms and "accidental trips," said Lt. Jack Yeske of the police department in San Marino, Calif., an exclusive suburb of Los Angeles.

"There are more sophisticated methods, and they (wealthier homeowners) can afford them," Lindley said.

IN ATLANTA, GA., and elsewhere, there are concerted efforts to educate the public about fire safety measures.

"We've had a campaign under way here to preplan fire escape routes and to utilize a window in the escape route," said Atlanta Fire Marshal J.B. Gossett. Barred windows are therefore discouraged, he said.

But if one must put bars on a window, select "security gates that actually swing open," said Bevery Hills Fire Inspector James Anderson.

"WE'RE LOOKING AT THEM," he said. "Companies bring them to us. The ideal would be a gate, hinged like a door, that opens out — a strap hinge with the pin protected, that is covered so burglars can't get to it."

He said a knob-operated latch also would be preferable, "like turning a doorknob. One turn and it opens."

Beverly Hills was the scene of the most recent death attributable to burglar-proofing. [redacted] 70, was found in her bathroom next to a barred window. She had suffered third-degree burns and was overcome by smoke.

Form—6A

DEPARTMENT OF HEALTH
125 WORTH ST., NEW YORK, N. Y. 10013 Rm. 626
Telephone: 566— 7747

December 5, 1975

Mr. Bert Simson
U.S. Consumer Safety Commission
Consumer Product Safety
5401 West Bard Avenue
Bethesda, Maryland 20207

Dear Mr. Simson:

The delay in responding to your request for information is attributable to my efforts to track down the origin of the specifications for window guards and the standards used in establishing them. To the best of my information, the procedure utilized in 1972, when the City of N.Y. first provided these window guards was as follows: standard commercial window guards were submitted to the Department of Purchase. From these guards and deleting only cosmetic, non-functional scroll work, the specifications for the window guards were written.

The exact description used in the specifications follows:

"Window guards, iron or steel, constructed of six 3/8" round hot rolled horizontal members approximately 22" long, (or six 3/8" reinforced steel tubes, crew electric welded, 10-10 carbon, commercial quality per spec A-153, approximately 22" long,) welded to four 1"X 3/8" hot rolled channel side stiles. Guards to adjust in horizontal measure from 24" to 42" wide, and be fixed 15" high measured at the side stiles. Guards to have two holes in each channel side stile to accommodate four number 10 one inch long round head Phillips wood screws, and collar with Allen Set Screws to be mounted on middle set of horizontal members. Allen Wrench to be affixed to each guard. Guards to be finished with one coat of flat black paint."

As you can see, the space between the horizontal members is not specified but is pre-determined by the number of these members and the overall height of the guards.

In July 1974, when solid steel was unavailable to the manufacturer a modification was made in the specifications to permit the use of reinforced steel tubes. (see modification between the parentheses in specs above.) A sample was made up by the vendor utilizing the steel tubing and submitted to the Inspection Unit of the Controller's Office where it was approved pursuant to examination and testing to ascertain that the safety features were not impaired by the modification.

I am enclosing a diagram of the guards which we use to illustrate the proper installation of the guards. I hope that this will prove helpful.

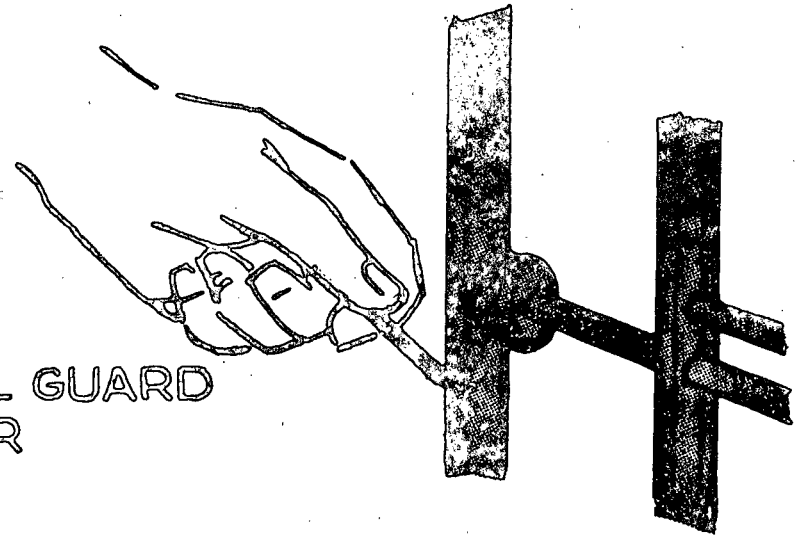
Sincerely,

Charlotte N. Spiegel

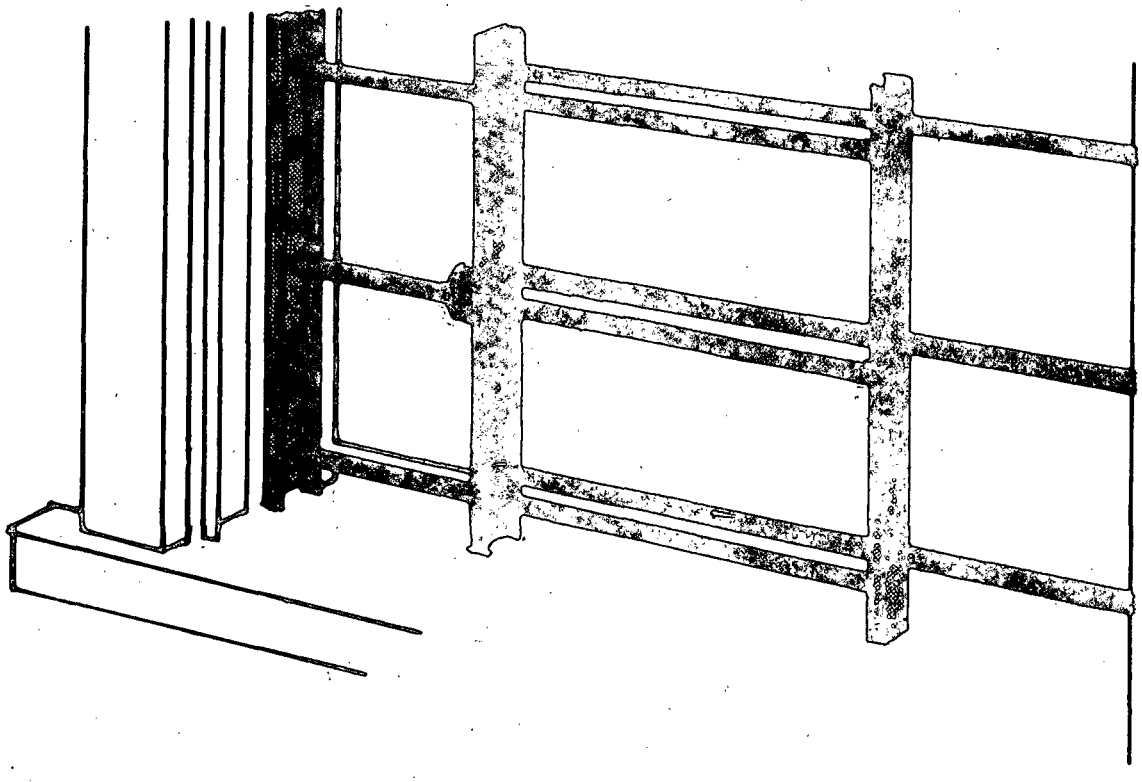
Charlotte N. Spiegel, Director
Window Fall Prevention Program

HOW TO INSTALL WINDOW GUARDS

1. LOOSEN SCREW INSIDE COLLAR WITH THE SPECIAL WRENCH SUPPLIED



2. EXPAND BARS UNTIL GUARD FITS TIGHT IN OUTER WINDOW TRACK



3. SLIDE COLLAR AGAINST INNER VERTICAL BAR AND TIGHTEN SCREW

4. IF THE WOOD ON YOUR WINDOW IS NOT FIRM, BUY FOUR No.10-3/4" WOOD SCREWS AND SECURE THE WINDOW GUARD TO THE WINDOW FRAME, USING THE HOLES PROVIDED ON BOTH SIDES

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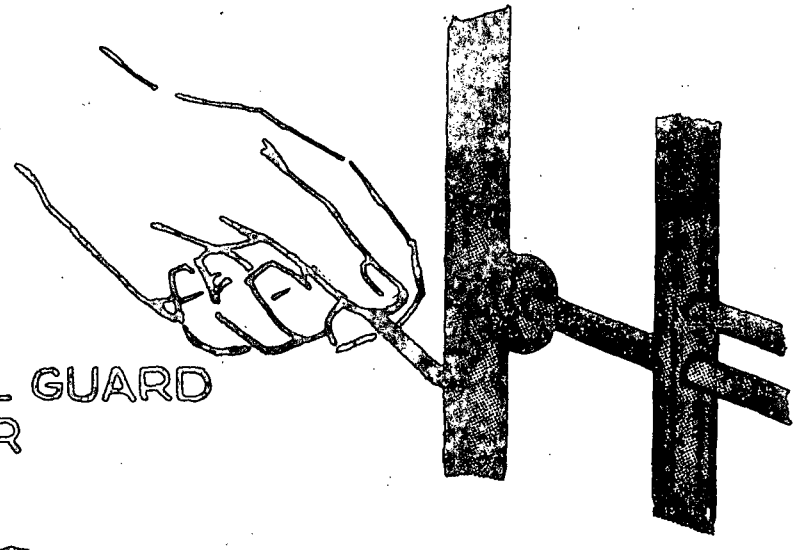

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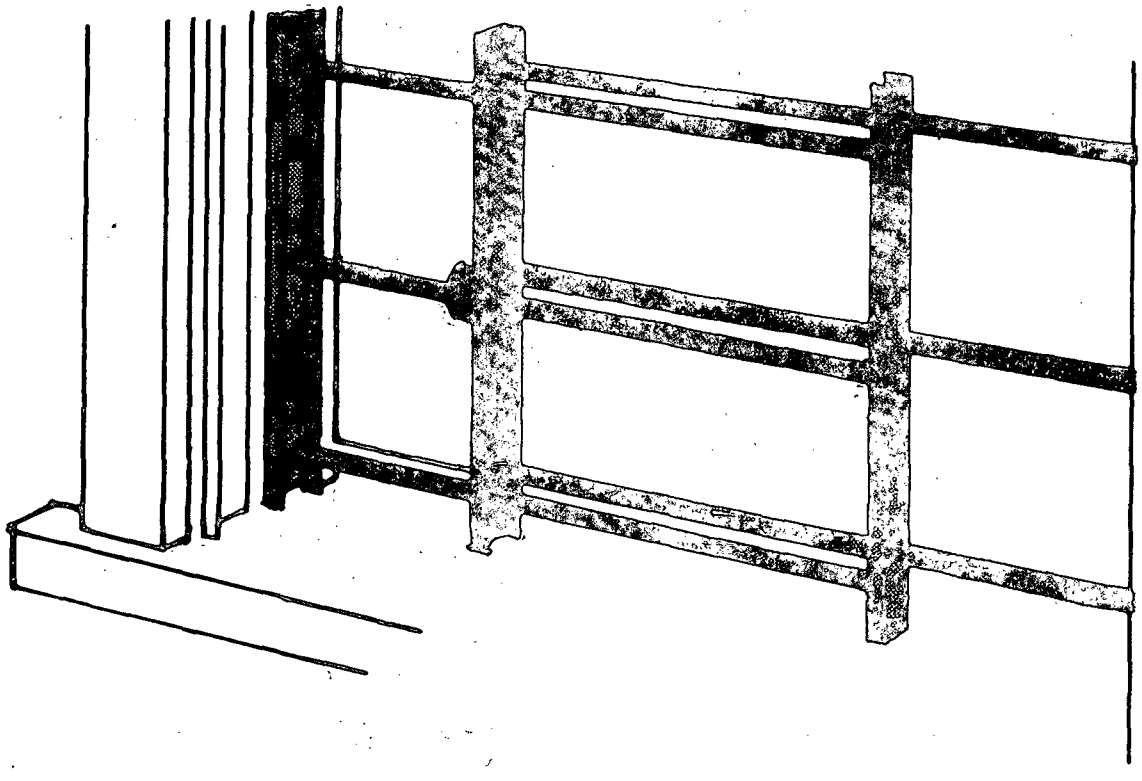

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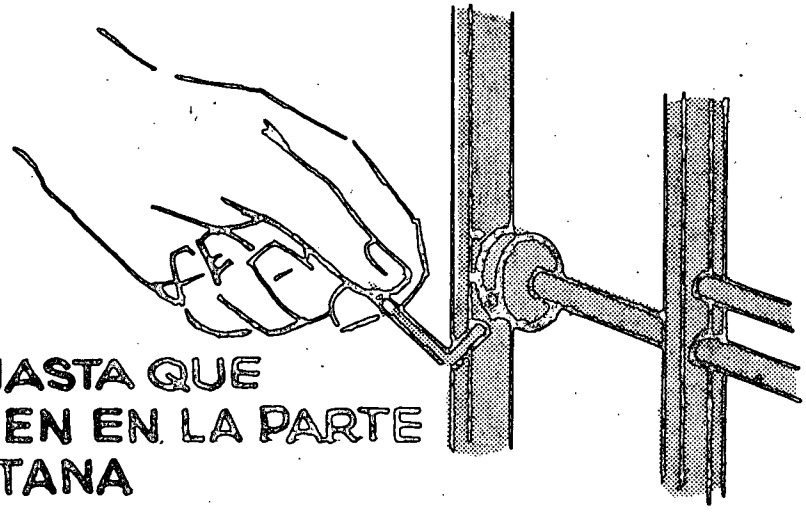
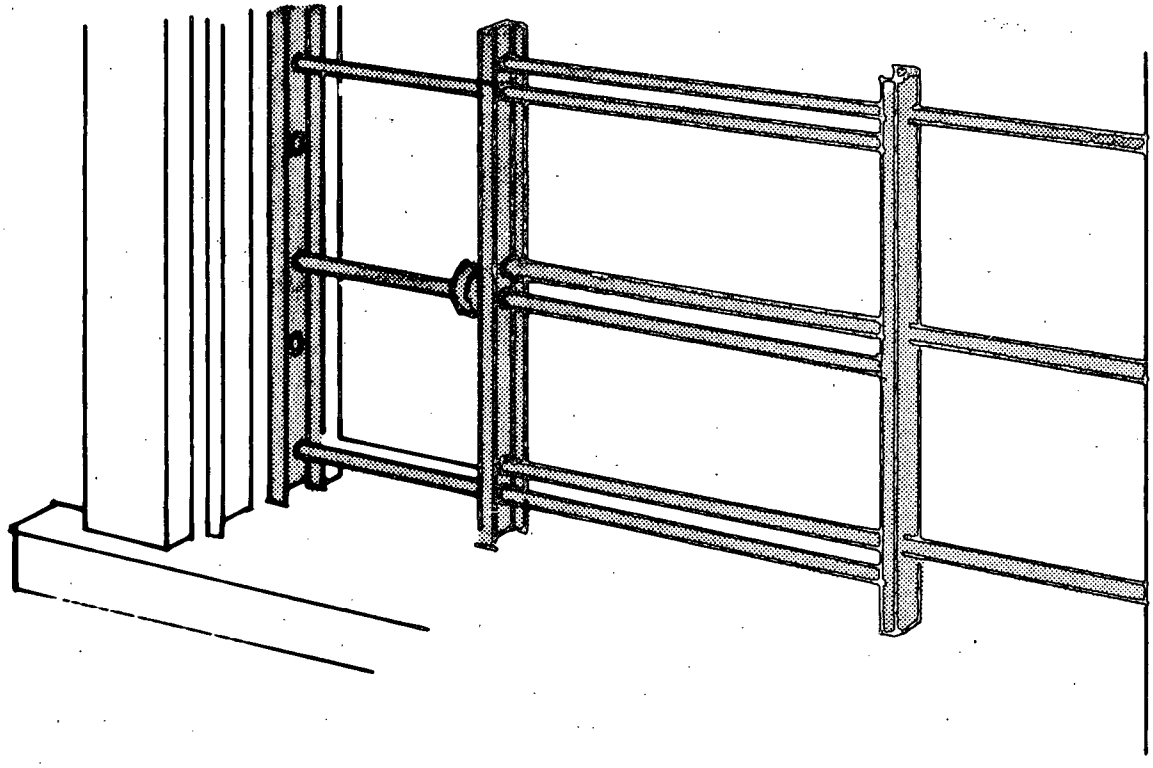
COMO ASEGURAR SUS VENTANAS CON BARRAS

1. AFOJE TORNILLO DENTRO DEL CUELLO CON LA HERRAMIENTA INCLUIDA



2. EXTIRE LAS BARRAS HASTA QUE EL ASEGURO QUEDE BIEN EN LA PARTE DE AFUERA DE LA VENTANA



3. MUEVA EL CUELLO CONTRA LA BARRA VERTICAL A DENTRO Y APRIETE EL TORNILLO

4. SI LA MADERA EN SU VENTANA NO ESTA FIRME, COMPRE CUATRO TORNILLOS DE MADERA (# 10 - 3/4") Y ASEGURE LA BARRA USANDO LOS ROTOS EN LOS LADOS

COMO ASEGURAR SUS VENTANAS CON BARRAS

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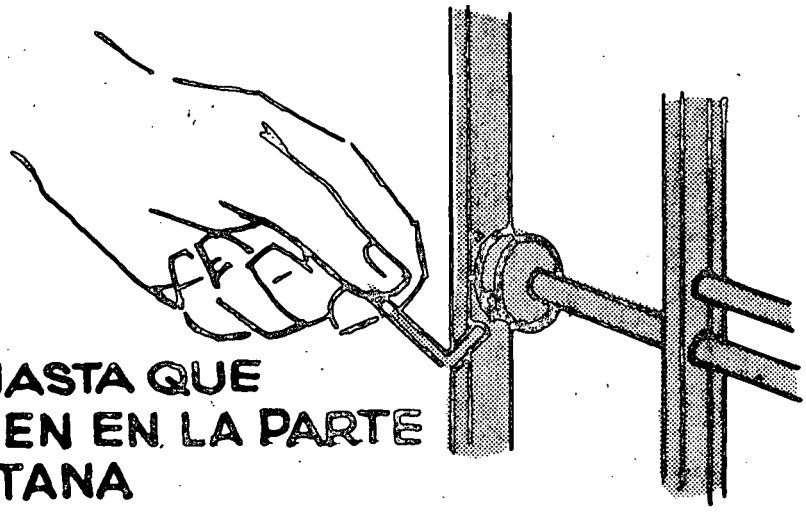

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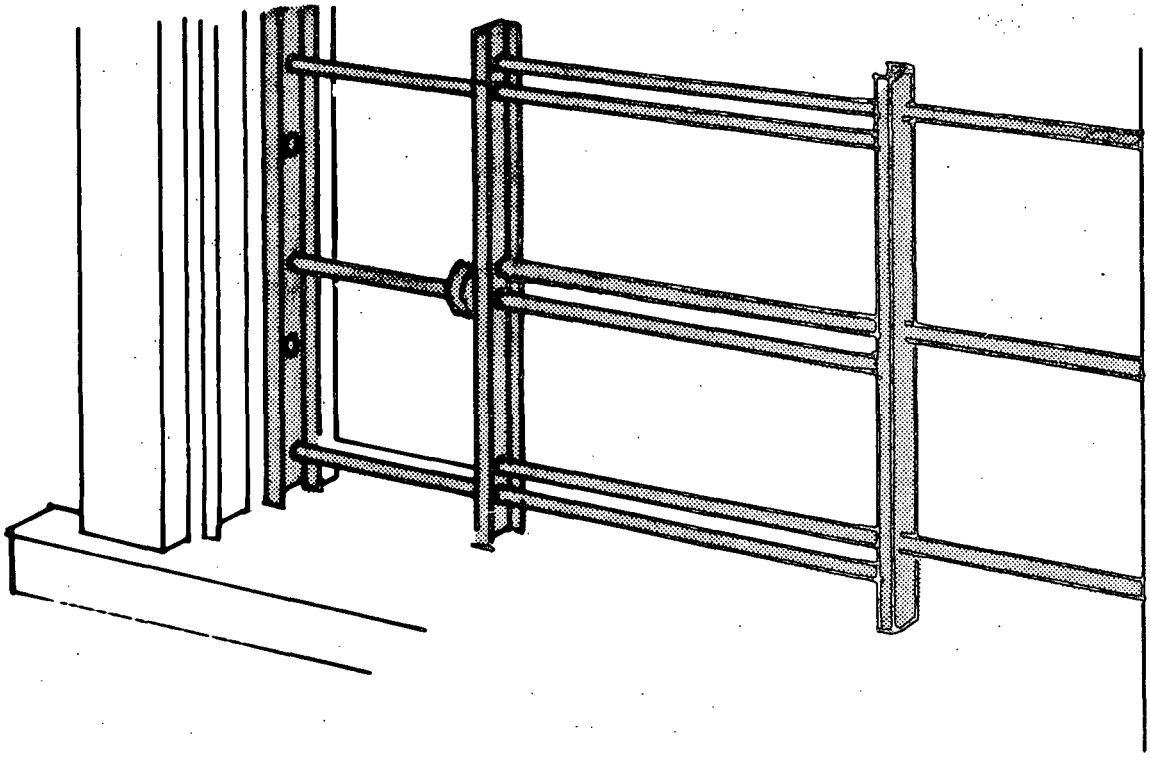

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The City of New York

DEPARTMENT OF HEALTH
125 WORTH ST., NEW YORK, N. Y. 10013
Telephone: 566—7747

Form—6A

July 18, 1975

Bert G. Simson
Office of Standards Coordination
and Appraisal
Technical Analysis Division
U.S. Consumer Product Safety Commission
Washington, D. C. 20207

Dear Mr. Simson:

In reply to your letter of July 14, 1975 requesting an abstract of the report of accidents that occurred in 1973 and 1974, you will find it enclosed.
Total falls for 1973: 192 falls 32 fatalities.
1974 132 falls 25 fatalities.

For further breakdown of these figures see enclosed comparative tables.

In response to the demonstrated need to combat this menace to young children, the Department of Health, Office of Professional and Public Health Education has been conducting a Window Fall Prevention Program called "Children Can't Fly" which includes four component parts:

1. Reporting of window falls - by police precincts and Hospital Emergency rooms.
   Follow up of falls - Home visit made and reports filed by HealthDept. District Nurses.

2. Media - generation of media coverage of the problem to alert and raise the level of public awareness of the dangers of open unguarded windows.
   Public Service radio and TV spots"
   news coverage, and special reporter coverage
   TV and Radio editorials, etc.

3. Education and Community Organization: - By means of door-to-door canvassing by health department outreach workers in high risk areas, and the involvement of all possible community based organizations and groups including: Health Care Facilities, i.e. health centers, hospitals, clinics, child health stations Day Care Centers, Schools, Head Start programs, tenants associations, block associations, Planning boards. etc.

4. Service Component: Provision of window guards to families living in high risk area with pre-school age children, in tenement type housing who can not buy the guards.

In 1974, we were able to effect a significant 42% decline in falls during the crisis months as compared with the same period in 1973. This reduction was mainly attributable to the impact of this program.

We are hopeful that we may be equally or more effective in 1975 with our ultimate goal being the elimination of this type of avoidable cause of death and injury to young children.

If there is any other information with which we may supply you, please feel free to call upon us.

Sincerely,

Charlotte Spiegel

Charlotte Spiegel, Director
Window Fall Prevention Program

CS: C
Enc.

WINDOW FALLS: COMPARATIVE TABLE 1974 - 1973

BOROUGH:	REPORTED FALLS		REPORTED FATALITIES		% CITY	
	1974	1973	1974	1973	1974	1973
Bronx	64	108	14	14	48.4%	56%
Brooklyn	35	46	3	6	26.5%	24%
Manhattan	22	21	7	7	16.7%	11%
QUEENS	10	8	1	2	7.5%	4%
Richmond	1	0	0	0	.08%	0
Other	0	9	0	3	0	5%
Totals:	132	192	25	32	100%	100%

DISTRICT:	1974	1973	% BOROUGH 1974	% BOROUGH 1973
Bronx:				
Mott Haven	23	42	36%	39%
Morrisania	18	29	28%	27%
Tremont	21	26	33%	24%
Westchester	2	11	3%	10%
Totals:	64	108	100%	100%
Brooklyn:				
Crown Heights	5	5	14%	11%
Brownsville	9	7	26%	15%
Bushwick	8	8	23%	17%
Flatbush	4	2	11%	4%
Ft. Greene	3	6	9%	13%
Red Hook	0	5	0	11%
Sunset Park	2	5	6%	11%
Williamsburg	4	8	11%	18%
Totals:	35	46	100%	100%
Manhattan:				
Central Harlem	10	7	45%	33%
East Harlem	3	4	14%	19%
Riverside	1	3	5%	15%
Lower East Side	6	4	27%	19%
Lower West Side	0	1	0	5%
Washington Hgts.	2	2	9%	9%
Totals;	22	21	100%	100%
Queens:				
Jamaica	7	8	70%	100%
Corona	2	0	20%	-
Astoria	0	0	-	-
Far Rockaway	1	0	10%	-
Totals:	10	8	100%	100%

FALLS: COMPARATIVE TABLES - 1974 - 1973 CONTINUED

BREAKDOWN BY MONTH:

	FEB.	MAR.	APR.	MAY	JUNE	JULY	AUG.	SEPT.	OCT.
1974	1	1	8	15	24	39	28	11	5
1973	2	5	1	4	42	73	39	21	5
1975	1	4	8	13	11				

BREAKDOWN BY AGE:

	0 - 2 yrs.		3 - 5 yrs.		6 - 15yrs	
1974	36 falls	27%	53 falls	41%	43 falls	32%
1973	59 falls	31%	73 falls	38%	60 falls	31%

BREAKDOWN BY SEX:

	Male:		Female:	
1974	88 falls	67%	44 falls	33%
1973	127 falls	66%	65 falls	34%

SOCIO_CULTURAL BREAKDOWN:

	HISPANIC:		BLACK:		OTHER:	
1974	71 falls	53%	56 falls	43%	5 falls	4%
1973	113 falls	59%	62 falls	32%	17 falls	9%

1974 WINDOW FALL STATISTICS: FEBRUARY - OCTOBER

FATALITIES

BOROUGH:	REPORTED FALLS	REPORTED FATALITIES	FATALITIES % OF CITY FALLS	FATALITIES % OF BOROUGH FALLS
Bronx	64	14	11%	22%
Brooklyn	35	3	2%	9%
Manhattan	22	7	5%	32%
Queens	10	1	.007%	10%
Richmond	1	0	--	--

DISTRICT:			FATALITIES % OF DISTRICT FALLS
Bronx			
Mott Haven	23	0	--
Morrisania	18	7	40%
Tremont	21	6	29%
Westchester	2	1	50%
Brooklyn			
Crown Heights	5	0	--
Brownsville	9	0	--
Bushwick	8	0	--
Flatbush	4	2	50%
Ft. Greene	3	1	33-1/3%
Red Hook	0	0	--
Sunset Park	2	0	--
Williamsburg	4	0	--
Manhattan			
Central Harlem	10	2	20%
East Harlem	3	1	33-1/3%
Riverside	1	1	100%
Lower East Side	6	3	50%
Lower West Side	0	0	--
Washington Hghts.	2	0	--
Queens			
Jamaica	7	0	--
Corona	2	0	--
Astoria	0	0	--
Far Rockaway	1	1	100%

1974 WINDOW FALL STATISTICS: FEBRUARY - OCTOBER

TOTAL CITY WIDE FALLS BY MONTH:

February	March	April	May	June	July	August	September	October		Total
1	1	8	15	24	39	28	11	5	=	132

BREAKDOWN BY AGE (YEARS):

0 - 2	3 - 5	6 - 15
36 - 27%	53 - 41%	43 - 32%

BREAKDOWN BY SEX:

Male: 88 - 67% Female: 44 - 33%

BREAKDOWN BY ETHNIC BACKGROUND:

	Hispanic:	Black:	Other:
	71 - 53%	56 - 43%	5 - 4%
Fatalities:	13 - 52%	12 - 48%	—

TYPE OF BUILDING:

Falls from 2 - 6 story buildings	114
Falls from high rise housing projects	10
Falls from private houses	4

By Floor:

First	22
Second	31
Third	9
Fourth	10
Fifth	17
Sixth	1
Eighth	1
Ninth	1
Tenth	2
No Info.	22

By Room:

Living Room	11
Bedroom	32
Kitchen	18
Bathroom	3
Hall	3
Porch	1
No Info.	34

Falls from fire escapes	23
Falls from roofs	7

TIME OF DAY: 25% Morning 37% Afternoon 38% Evening

CIRCUMSTANCES BEHIND FALL:

Unattended or in the care of a very young sibling or baby sitter	71
Horseplay	29
Faulty windows or leaning against insecure screens	10
Other	11
No Information	11

1974 WINDOW FALL STATISTICS: FEBRUARY - OCTOBER

HOSPITALIZATION:	Dead on Arrival	14
	Died in Hospital	11

EXTENT OF HOSPITALIZATION:

Over one month	15
2 - 4 weeks	21
One week or under	34
Treated and released same day	32
No Information	6

FAMILY PROFILES:

- In 67 of the families visited, there was no father living in the home.
- In one case, the victim was living with foster parents.
- Two children were living with grandmother--both parents absent.
- 80 of the families visited were supported by welfare.

Tab-C

UNITED STATES GOVERNMENT

Memorandum

RECEIVED
MAY 21 1975
TECHNICAL ANALYSIS DIVISION

U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, D.C. 20207

TO : Bert Simson (SCAT)

DATE: May 20, 1975

FROM : Dr. Robert Verhalen (BEP) R. W. Vase FOR R.P.V.

SUBJECT: CP-75-20, Petition on Window Bars

A check was made of the available data bases for window bars. Since this product does not have its own product code, no information can be extracted from the surveillance data, Death Certificate file, or the Injury Bulletin.

In-depth investigations for FY '74 and FY '75 were checked on several product categories that could conceivably hold cases involving window bars. No cases of this type are on file in the Clearinghouse.

Attachment

*U.S. GOVERNMENT PRINTING OFFICE: 1974 733-533/3604 1-3

Tab-D

UNITED STATES GOVERNMENT

Memorandum

U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, D.C. 20207

TO : Mr. Bert Simson, TAD/OSCA

DATE: May 20, 1975

FROM : Leo T. Duffy, M.D.
Deputy Director, OMD

L. T. Duffy

SUBJECT: Petition on Window Bars, CP-75-20

The Office of the Medical Director has reviewed the subject petition.

Although at this time the Bureau of Epidemiology file search has just been initiated, this Office considers that there is sufficient, if not greater, existence of a hazard similar to that related to the vertical slat distance in children's cribs.

This Office recommends granting the petition.

*U.S. GOVERNMENT PRINTING OFFICE: 1974 733-533/3604 1-3

E

Tab - E

UNITED STATES GOVERNMENT

Memorandum

U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, D.C. 20207

TO : Francine Shacter, TAD/OSCA
THRU : Walter Hobby, Director, BEA
FROM : Nancy Klisch, BEA

DATE: March 5, 1976

SUBJECT: Window Bar Petition

This memo is in response to your request for information about window bars (or guards) intended to prevent children from falling out of windows and the possible economic effects of a standard on these bars.

On the basis of a limited investigation, the primary methods of selling these guards appear to be in stores such as hardware stores and directly by manufacturers. They may be either prefabricated or custom made. It appears that the products sold specifically for guarding the child are often prefabricated and sold for installation by the consumer, and are adjustable to various window sizes.

One manufacturer of the child guards stated that his units have spacing of 4 1/2 inches between horizontal bars and between 4 1/2 inches and 5 1/2 inches between vertical bars depending on the size of the window in which the unit is placed. They are about 15 inches high and adjust to windows sizes 24 to 42 inches. Because of the variance that may exist in units manufactured, we have no way of knowing whether this is a typical size for most manufacturers. However, this manufacturer has sold a number of units to the City of New York and stated that their use has cut down the number of accidental falls by children from windows.

Based on a small number of calls to local companies, regular window bars are generally not advertised as child guard bars. These bars, which are often custom-made, generally seemed to have vertical bars spaced about 4 1/2 to 5 inches apart and have no horizontal bars.

If a safety standard is developed, we assume it would specify a maximum dimension between bars which would be based on sizes of children at the ages when the units would be used. However, if the standard results in changes in the current spacings, it would probably require a change in the die used in manufacturing the units. The

change in cost associated with this depends on the normal cycle of replacement and the effective date of a new standard. If a standard results in a unit with more bars, the increase in materials used would also result in increased costs.

If the standard should be a labeling standard combined with a dimension requirement (that is, if to be labeled as child-proof, a bar unit must meet the dimension requirements of a standard), availability would depend on a number of factors. We are not able to comment further without knowing what the specific requirements of the standard might be.

UNITED STATES GOVERNMENT

Memorandum

U.S. CONSUMER PRODUCT
SAFETY COMMISSION
WASHINGTON, D.C. 20207

TO : Bert Simson, TAD, OSCA

DATE: May 29, 1975

THRU : Walter R. Hobby, Director, BEA

FROM : Barbara J. Morton, BEA

SUBJECT: CP-75-20, Petition on Window Bars

There are approximately 150 or more companies which make window bars listed in the 1975 Thomas Register of Products and Services. Some of the companies distribute to retail outlets making window bars available to the general public, while others sell directly to the general public.

Consumers may purchase window bars from the local hardware store or from retail outlets specializing in the sale and service of window and door bars. The window bars purchased from either the hardware or the specialty store can be installed by the customer. In many cases the do-it-yourself idea depends upon the type of wall and the kinds of tools available to the customer. Brick walls, for example, require special tools which the professional installers have available for this purpose.

The window bars are said to vary from 4 1/2 to 6 inches apart. The 4 1/2 to 6 inch measurement is considered the standard measurement for windows. However, depending upon the customer need, the bars can be made closer together by special order and are such that the customer can install them himself.

Based on the information available to BEA, no recommendation to deny or grant the petition can be made.

*U.S. GOVERNMENT PRINTING OFFICE: 1974 733-533/3604 1-3

TAb-F PLA

AUG 4 1976

Francine Shacter, SCAT

Peter L. Armstrong, BESS

Window Bars Petition - - Standard Development Options and Clarification of Previous BESS Comments

Following up your request for comments on the steps involved in the development of a standard for window bars, I offer the following thoughts. Additionally I have taken this opportunity to clear up some potential ambiguities in BESS's previous comments on this petition.

Standard Development

As I see it, the Commission can choose to develop a very simple standard, a complicated standard, or anything in between. The most simple option would be to develop a design standard (as contrasted with a performance standard). Such a standard could require that window bars have no openings larger than a child's head. Additionally, a strength requirement might be needed. These dimensions and strength characteristics could be drawn from OMD's recent study, "The Physical Characteristics of Children." Such a standard could be easily developed because the only major issue to be resolved is to determine the youngest age of children who are susceptible to this injury mode.

A second option requiring a somewhat greater level of effort would be to develop a performance standard to prevent the injury mode referred to in the petition: children crawling through the bars and falling. The performance standard in this option includes two components. First, we could develop a design standard for present configurations of window bars (as outlined above), and second, we could allow other designs to pass the standard if their manufacturers can present evidence that they will prevent children from falling out. (There are many ways to keep children from falling out of windows other than by having parallel bars in the window.) This type of standard

UNITED STATES GOVERNMENT

Memorandum

U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, D.C. 20207

RECEIVED
MAY 29 1975
TECHNICAL ANALYSIS DIVISION

TO : Bert Simson, Technical Analysis Division, OSCA

DATE: May 23, 1975

Thru : Richard Armstrong, Director, BESS

FROM : Peter Armstrong, Research Architect, BESS

SUBJECT: CP-75-20, Petition on Window Bars.

It is my opinion, that window bars present a substantial hazard when parents mistakenly believe that they will keep their children from climbing through windows, when they are in fact not designed to do so.

Thus, I believe Dr. Lerman's petition should be granted and the Commission should develop labeling standards for window bars.

One possible standard might be that for a window bar to be advertised or labeled in such a way as to imply or claim to prevent children from climbing through windows, it should meet the dimensional requirements recommended for baby crib railings, that is, not more than 2 3/8" between slats.

A second and somewhat stronger possible labeling standard would be the requirement that all window bars which do not meet crib railing dimensions be accompanied by a warning stating that the product should not be expected to prevent infants from climbing through windows.

530:0624:75:PARMSTRONG:jar

Subject: Window Bars Petition - - Standard Development Options and Clarification of Previous BESS Comments

On the other hand I do feel that an unnecessary risk exists when a parent is misled to believe that his child will not fit between the rails of a set of window bars.

I believe that the Commission can, with a low level effort, develop a straight-forward design standard which specifies the maximum opening in a set of window bars and a strength requirement. I believe that such a standard should be a labeling standard which applies only to those window bars which are advertised or labeled as child proof.

Secondly, I did not intend to imply that the 2-3/8" crib slat dimension is the proper one for such a labeling standard. It is my judgment that it may be possible to permit wider spacing than 2-3/8 because the hazards associated with window bars presumably affect mobile infants, and infants do not generally crawl until they are around 5 months old. If a dimensionally based labeling standard is to be proposed, it will be necessary to develop a proper spacing based on available anthropometric and child development data.

531302:76:PLArmstrong:mf

would be somewhat more difficult to develop principally because the Commission would have to determine what would constitute proof that an alternative design would be effective.

A third option requiring a still greater level of effort would be to develop a completed performance standard to address the identified injury mode. To do this we would have to determine all the ways of preventing children from falling through windows and then develop performance requirements for each of those methods. Such a standard would require a substantial research effort.

Finally, we could develop a completed performance standard for window bars which prevent not only the injury mode outlined in the petition, but also other potential injuries. Some other possible injuries are:

1. children ingesting lead-based paint by chewing on window bars;

2. homeowners suffering burns because they cannot detach window bars in a home fire.

The fourth option would of course require the greatest level of effort.

In summary, it is my opinion that the Commission has a wide variety of options which range in complexity from a very straight-forward design standard to an extremely complex performance standard.

Clarification of Previous Comments

In rereading my previous comments on this petition, I felt that there may be some ambiguity regarding two points in the memo. I'd like to take this opportunity to clear this up.

First, I believe that the petition should be granted only if the Commission can develop a standard with minimal commitment of resources. We have too many product hazards with documented injuries to spend a great deal of effort on one for which we have yet to receive a single reported injury.

Tab - G

UNITED STATES GOVERNMENT

Memorandum

U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, D.C. 20207

TO : Bert Simson, Technical Analysis Division OSCA

DATE: October 10, 1975

FROM : S. Chesnes for Don Mackay, Director, Voluntary Standards Division OSCA

SUBJECT: Window Bars (Petition CP-75-19)

A search for window bars (and window guards) produced the following:

ASTM A627, "Standard Specification for Homogeneous Tool - Resisting Steel Bars for Security Applications," reapproved 1973, which gives performance characteristics (including test method, etc.). (Under the jurisdiction of ASTM Committee A-1 on Steel, Stainless Steel and Related Alloys, and the direct responsibility of Subcommittee A01.16 on Steel Bars for Security Applications.) This standard does not address bar spacing, nor was any other standard found that would apply.

The following organizations were contacted for current information of on-going activities on the subject:

Builders Hardware Manufacturers Association
Door and Hardware Institute
ASTM, Committee F12 on Security Systems and Equipment

To the best of our knowledge, there are no voluntary standards activities concerning window bars that would prevent child egress as well as security against ingress of undesirable persons.

If it is deemed appropriate, the Voluntary Standards Division would suggest the ASTM Committee F-12 to consider the initiation of a voluntary standard to specifically address a requirement for the spacing of security bars.

It is this Division's opinion that a reasonable requirement would be established at a level between the 2 3/8" CPSC suggestion and the 5 5/8" spacing cited in the petition. The 2 3/8"

spacing would be inappropriate because it was specifically developed to prevent infants (2-3 months of age) from slipping through crib slats. Obviously, a security bar spacing requirement should consider the physical dimensions of children between one and three years of age.

Judith Weintraub/SCAD
August 11, 1976

CONSUMER PRODUCT SAFETY COMMISSION

Petition No. 75-20

WINDOW GUARDS

Notice of Denial

The purpose of this notice is to announce the denial of a petition from Dr. Stephen J. Lerman of New York City, requesting regulation of window guards to prevent children from falling.

Section 10 of the Consumer Product Safety Act (Pub. L. 92-573, 86 Stat. 1217; 15 U.S.C. 2059) provides that any interested person may petition the Consumer Product Safety Commission to commence a proceeding for the issuance of a consumer product safety rule. Section 10 also provides that if the Commission denies such a petition, it shall publish in the FEDERAL REGISTER its reason for denial.

By letter dated April 18, 1975, Dr. Stephen J. Lerman petitioned the Commission to establish a standard for window guards used to prevent young children from falling.

These window guards generally range from 15 to 21 inches in height and are more likely to be used on upper floor windows of apartment buildings rather than on the ground floor. They are not the same as the heavy metal bars that cover the entire window for protection from intruders which are more likely to be placed on the ground floor of an apartment building or a private home.

In his petition Dr. Lerman alleges that the design of the window guard he had purchased to protect his active one year old daughter is inherently dangerous and that the excessive distance between the horizontal bars represents a serious hazard to urban children. He asks the

Commission to require maximum space limits between the horizontal bars of window guards similar to the distance allowed between vertical slats of children's cribs.

The Commission is denying the petition on the basis that information available to it is not sufficient to find an unreasonable risk of injury associated with the use of window guards.

A search of data from the Commission's National Electronic Injury Surveillance System, Death Certificate File and Injury Bulletin did not reveal incidences of window falls. No in-depth investigations of cases involving window guards are on file, nor are data available from any area other than New York City.

Statistics collected by the New York City Department of Health in connection with a Window Fall Prevention Program indicate a 42% decline in falling incidents in New York City from 1973 to 1974. The Health Department investigates all cases of falls from windows and window guards have been provided to families in high risk areas with pre-school aged children. There were no accidents in apartments where the guards had been provided by the Department, nor where any other similar window guard had been installed. The accident pattern that evolves from the Health Department Statistics indicates that many falls were due to ill-fitting or poorly installed screens against which the children leaned under the mistaken impression that they were firmly secured and would resist their weight. New York City has one of the greatest concentrations of high-rise apartments where window guards are most likely to be used. The distribution of window guards and the Window Fall Prevention Program have been effective in lessening the degree of risk of falls from windows.

It is for these reasons that the Commission finds that window guards do not present an unreasonable risk of injury.

A copy of the petition and related materials may be seen during working hours, Monday through Friday, in the Office of the Secretary, Consumer Product Safety Commission, 1750 K Street, NW., Washington, D.C. 20207.

Accordingly, pursuant to section 10(d) of the Consumer Product Safety Act (Pub. L. 92-573, 86 Stat. 1217; 15 U.S.C. 2059(d)), notice is hereby given to the Commission's denial of the petition.

Dated: _____

_____
SADYE E. DUNN,
Secretary, Consumer Product
Safety Commission.

Tab-A

U.S. CONSUMER PRODUCT SAFETY COMMISSION

WASHINGTON, D.C. 20207

Dr. Stephen J. Lerman

[redacted]5

Dear Dr. Lerman:

The Consumer Product Safety Commission has considered your letter of April 18, 1975, petitioning the Commission under Section 10 of the Consumer Product Safety Act to develop a safety standard for window guards designed to prevent children from falling.

This is to notify you that the Commission has denied your petition. A search of data from the Commission's National Electronic Surveillance System, Death Certificate file and Injury Bullentin did not reveal incidents of window falls. No in-depth investigations of cases involving window guards are on file, nor are data available on window falls from any area other than New York City.

In New York City, where data are collected on all window falls, there are no cases of children falling from windows supplied with window guards.

The Commission is required by Section 10(d) of the Consumer Product Safety Act to publish its reasons for denial in the FEDERAL REGISTER. A copy of the notice will be forwarded to you.

The Commission wishes to assure you of its continuing interest in this matter and thanks you for bringing this issue to its attention.

Sincerely,

SADYE E. DUNN
Secretary